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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting prccedure

Initial reports of States parties due in 2006

Turkey*, **

[Date received: 8 April 2016]

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** The annexes may be consulted in the files of the secretariat.

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Part I

In this section, the State party is requested to submit its responses to the following questions.

A. General information

Please provide information on the domestic legal framework regarding the Convention, including:

(a) The rank of the Convention in domestic law, including examples of cases, if any, in which the Convention has been directly applied by national courts or administrative authorities;

1. Article 90 of the Turkish Constitution reads as follows; international agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. (Sentence added on May 7, 2004; Act No. 5170) In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

(b) Bilateral and multilateral agreements that have been concluded with other countries pertaining to the rights of migrant workers and members of their families, in line with the Convention;

2. Turkey has concluded bilateral social security agreements with 30 countries. Twenty-seven of them are in force and 3 of them are in the ratification stage. Social security agreements with Moldova, Poland, Iran, Morocco, Japan, Russia, Kyrgyzstan and Algeria are under discussion.

3. Bilateral social security agreements concluded by Turkey are as follows:

Bilateral social security agreements concluded by Turkey

	Name of the country	*Date of signature*	*Date of entry into force*
1	Germany	30.04.1964	01.11.1965
2	France	20.01.1972	01.08.1973
3	The Netherlands	05.04.1966	01.02.1968
4	Belgium	04.07.1966	01.05.1968
5	Denmark	13.12.1999	01.12.2003
6	Austria	12.10.1966	01.10.1969
7	Switzerland	01.05.1969	01.01.1972
8	Sweden	30.06.1978	01.05.1981
9	England	09.09.1959	01.06.1961
10	Libya	13.09.1984	01.09.1985
11	Turkish Republic of Northern Cyprus	09.03.1987	01.12.1988
12	Azerbaijan	17.07.1998	09.08.2001
13	Albania	14.07.1998	01.02.2005

	Name of the country	*Date of signature*	*Date of entry into force*
14	Bosnia-Herzegovina	27.05.2003	01.09.2004
15	Czech Republic	02.10.2003	01.01.2005
16	Luxembourg	20.11.2003	01.06.2006
17	Macedonia	06.07.1998	01.07.2000
18	Norway	20.07.1978	01.06.1981
19	Romania	06.07.1999	01.03.2003
20	Canada	19.06.1998	01.01.2005
21	Georgia	1 1.12.1998	20.1 1.2003
22	Quebec	21.11.2000	01.01.2005
23	Croatia	12.06.2006	01.06.2012
24	Slovakia	25.01.2007	01.07.2013
25	Serbia	26.10.2009	01.12.2013
26	Italy	08.05.2012	01.08.2015
27	Republic of Korea	01.08.2012	01.06.2015
28	Montenegro	15.03.2012	-
29	Tunisia	28.05.2013	-
30	Hungary	24.02.2015	-

Bilateral Labour Force Agreements concluded by Turkey

	Name of the country	*Date of signature*	*Date of entry into force*
1	Germany (exceptional work agreement)	18.11.1991	20.12.1991
2	Germany	30.10.1961	30.10.1961
3	Austria	15.05.1964	17.09.1964
4	Belgium	16.07.1964	16.07.1964
5	The Netherlands	19.08.1964	19.08.1964
6	France	08.04.1965	08.04.1965
7	Australia	05.10.1967	05.10.1967
8	Libya	05.01.1975	13.05.1975
9	Jordan	08.07.1982	12.10.1982
10	Turkish Republic of Northern Cyprus	09.03.1987	15.08.1988
11	Qatar	01.04.1986	20.12.1990
12	Kuwait	30.03.2008	13.04.2010
13	Azerbaijan	13.11.2013	18.06.2014

4. Turkey also concluded bilateral Labour Force Agreements with 12 countries on employment of Turkish citizens. All these agreements contain provisions concerning the selection, travelling and employment conditions to be met and procedures to be followed for the employment of Turkish citizens in the countries concerned.

5. Treaties for the avoidance of double taxation concluded with 80 countries include provisions about transfer of social security pensions of migrant workers and members of their families.

Multilateral agreements ratified by Turkey

Instruments adopted by the United Nations

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ICMW, 1990
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Covenant on Civil and Political Rights,1966
- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities

Instruments adopted by the ILO

- Social Security (Minimum Standards) Convention, C102
- Equality of Treatment (Social Security) Convention, C118
- Forced Labour, (No. 29), Abolition of Forced Labour, (No. 105)
- Minimum Age (No. 138),
- Worst Forms of Child Labour (No. 182)
- Freedom of Association and Protection of the Right to Organize (No. 87)
- Right to Organize and Collective Bargaining (No. 98)
- Equal Remuneration (No. 100)
- Discrimination (Employment and Occupation) (No. 111)

Instruments adopted by the Council of Europe

- The European Convention on Human Rights, 1950, and its Protocols
- European Convention on the Legal Status of Migrant Workers
- The European Social Charter, 1961, and its Protocols of 1988, 1991 and 1995
- The European Social Charter (revised), 1996
- European Convention on Social Security
- European Code of Social Security
- European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors
- European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors
- European Convention on Social and Medical Assistance

Agreements with the EU and Association Council Decisions

- The Association Agreement (Ankara Agreement)
- Additional Protocol

- Association Council Decision 1/80
- Association Council Decision 3/80

6. Turkey has concluded readmission agreements with European Union, Syria, Greece, Kyrgyzstan, Romania, Ukraine, Pakistan, the Russian Federation, Nigeria, Bosnia-Herzegovina, Yemen, Moldova, Belarus, Montenegro and Kosovo.

(c) Legislative and practical measures taken by the State party to ensure the rights guaranteed in part III of the Convention to migrant workers and members of their families who are non-documented or in an irregular situation;

7. Principles related to foreigners working in Turkey are regulated by the Law and Implementation Regulation on Work Permits of Foreigners numbered 4817.

8. Significant amendments have been introduced in work permits of foreigners with Law on Foreigners and International Protection numbered 6458. With this Law, valid work permit and Work Permit Exemption Certificate granted based on Article 10 of the Law on Work Permits of Foreigners numbered 4817 shall be considered as residence permit.

9. "International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families" signed on January 13, 1999 by Turkey does not only consider migrant workers but also their families. Since it may especially cause partition in the families, it is specified in the introduction of the Convention that the fact that migration may bring very serious problems both in terms of migrant workers and their families shall be considered. Besides, there is the statement "State Parties, recognizing that the family is the natural and fundamental unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers" in Article 44 of the Convention. In this framework;

10. Within the framework of Articles 34 and 35 of the Law on Foreigners and International Protection numbered 6458, family residence permit is issued for the family members of foreigners, who legally work in our country. On the other hand, the definition of supporter in Article 3 of the same Law is "Turkish citizen or person legally residing in Turkey, who is taken as a reference to the application by the parties who request residence permit and who bear expenses of foreigners to arrive Turkey for ensuring unity of the family". Within this context, foreigners, who hold work permit, are accepted as supporters in family residence permits on condition that they fulfill the conditions.

11. Family members of migrant workers may apply to Provincial/Sub-Provincial Migration Directorates for receiving residence permit (family residence permit) that suits the purpose of their stay within the period specified (before the visa terminates) as soon as they arrive our country with the visa required for that purpose.

(d) Any instruments of national legislation that provide for the application of the Convention to refugees and/or stateless persons (art. 3 (d) of the Convention);

12. In national legislation of Turkey, there is no specific regulation that the Convention is applicable to refugees and stateless persons. However, the rights mentioned in the Convention are provided for refugees and stateless persons with prescribed legal provisions below.

- Law on Foreigners and International Protection, Law No. 6458
- Law on Work Permits of Foreigners, Law No. 4817
- Law on Social Security and General Health Insurance, Law No. 5510
- Law on Passport, Law No. 5682

- Law on Child Protection, Law No. 5395
- Attorneyship Law, Law No. 1136
- Circular No. 2010/03 of 24 March 2010 was issued and put into effect by the General Directorate of Social Services and Children Protection
- Circular on Social Assistance and Solidarity Foundation dated 2009

(e) Clarification of the status granted to refugees who have fled their conflict-ridden countries outside the Council of Europe, particularly Syria.

13. The proceedings and procedures of foreigners with Syrian nationality, arriving en masse in Turkey due to the conflicts in their country and demanding protection are conducted under Article 91, entitled Temporary Protection, of the Law dated 04/04/2013 and numbered 6458 on Foreigners and International Protection, as well as Regulation on Temporary Protection dated 22/10/2014 and numbered 6883 issued by the Council of Ministers pursuant to this Article. Within the framework of the aforementioned legislation, Syrian foreigners are considered as being under "Temporary Protection" status in Turkey.

14. No one within the scope of this Regulation shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion (Art. 6/1).

15. Foreigners under this Regulation may be provided with health, education, access to labor market, social assistance, interpretation and similar services (Art. 26/1).

16. Patient contribution fee shall not be collected for primary and emergency health services and the respective treatment and medication (Art. 27/1-b)

17. Education activities for foreigners under this Regulation shall be conducted inside and outside temporary accommodation centers under the control and responsibility of the Ministry of National Education. In that regard:

18. Pre-school education services may be provided to children who are 36-66 months old, where the children who are 54-66 months old are prioritized.

19. Education activities for those at the age of primary and secondary education shall be carried out in line with the relevant legislation of the Ministry of National Education.

20. Language education, vocational courses, skills trainings and hobby courses addressing all age groups may be organized on demand.

21. Procedures and principles related to associate, undergraduate, masters and doctorate degrees shall be determined by the Presidency of Council of Higher Education.

22. A document indicating the content and duration of the education shall be issued to foreigners receiving education in our country within the scope of this Regulation (Art. 28).

23. Persons, who hold a Temporary Protection Identification Document, may apply to the Ministry of Labour and Social Security to receive work permits to work in the sectors, professions and geographical areas (provinces, districts or villages) to be determined by the Council of Ministers.

24. Validity period of the work permits given to the persons benefiting from temporary protection shall not be longer than the duration of the temporary protection. The validity of the work permits issued within this scope shall end upon the end of temporary protection. The work permits issued to persons benefiting from temporary protection shall not substitute residence permits regulated in the Law. The persons benefiting from temporary protection do not require work permit if they work seasonal agricultural jobs.

25. Those among the foreigners under this Regulation, who are in need, may be allowed access to social assistances and social services.

2. Please inform the Committee about the measures, including specific legislative, administrative, judicial or other measures taken by the State party, to ensure the effective implementation of the Convention. Please include information on the ministry or institution responsible for coordinating and monitoring the implementation of the Convention in the State party. Please also include information on steps being taken to ensure the full implementation of the Act on Foreigners and International Protection (No. 6458) of 4 April 2013, and the harmonization of national legislation with the provisions of the Convention. Regarding that Act, please inform the Committee about:

(a) Secondary legislation and implementation regulations;

- Temporary Protection Regulation dated 22 October 2014
- Regulation on Work Permits of Foreigners Under Temporary Protection dated 15 January 2016
- Regulation on Implementation of the Law on Foreigners and International Protection (LFIP) dated 17 March 2016
- Regulation on Combating Human Trafficking and Protection of Victims dated 17 March 2016

(b) Specific coordination mechanisms, including at the ministerial and local levels, to ensure its full implementation;

(c) Establishment of new bodies to deal with the human rights of migrant workers, such as the Directorate-General for Migration Management and its human and financial resources.

26. In order to contribute to the studies related to the 24th Chapter during the negotiation process with the European Union along with all national and international stakeholders, a transparent and participative process has been followed, and "Law on Foreigners and International Protection" (LFIP) was accepted in the General Assembly of Grand National Assembly of Turkey on April 4, 2013. LFIP was endorsed as Law No. 6458, on April 10, 2013 by the President and put into force after being published in the Official Gazette numbered 28615 dated April 11, 2013.

27. With LFIP, "Directorate General of Migration Management" (DGMM) under the Ministry of Interior has been established in order to execute procedures and proceedings regarding migration and asylum.

28. Removal ban has been granted complying with Articles 4 and 55 of LFIP, and it was prevented to return a person to any country that he/she has the risk of facing torture and similar inhuman treatment. With this article, "non-refoulement principle", which is a principle of international law, has gained a legal basis for the first time.

29. Additionally, through Articles 46 and 63 primarily for those whose lives and freedom are in danger, the mechanisms of humanitarian residence permit and secondary protection are arranged to ensure the stay of the individuals, who are not returned to their countries due to mentioned articles.

30. With Law No. 6458, Work Permit Exemption Certificate granted according to the Article 10 of the Law on Work Permits of the Foreigners numbered 4817 and dated 27/2/2003 shall be accepted as residence permit. Foreigners, who are granted Work Permits

or Work Permit Exemption Certificates, are obliged to pay charges according to the term of their work permits complying with Law on Duties numbered 492 and dated 2/7/1964. In order to grant a work permit or extend the term of the permit, the condition of not being within the scope of Article 7 is sought for the foreigner.

3. **Please inform the Committee about the main activities carried out by the Office of the Ombudsperson to promote and protect the human rights of migrant workers and members of their families, regardless of their administrative status, and the human and financial resources available for those activities. Please also clarify the Ombudsperson's mandate and authority to intervene on all migration-related administrative decisions and investigate complaints made by migrant workers, including those in an irregular situation.**

31. Firstly, according to Article 5 of Law No. 6328, Ombudsman Institution is "responsible for investigating, researching all kinds of actions and works and attitude and behaviours of administration, upon the complaints on the functioning of the Administration, with the understanding of justice based on human rights and in terms of appropriateness to law and fairness." According to Article 17 of the Law, foreigners can also make their complaints to the Institution.

32. While the Ombudsman has no authority to intervene in decisions on migration by any institution, it may make suggestions to withdraw or abolish the decisions if violation of rights and interests are detected as a result of the decision taken. If a complaint is made by migrant workers including those entering into Turkey illegally, the Ombudsman has the authority to carry out investigations and researches regarding the compliant, to request all kinds of information and documents from the complained administration, to assign experts and to hear witnesses, and finally to make suggestions to the related public administration body.

4. **Please provide details on the National Human Rights Institution (NHRI) and indicate whether its mandate includes monitoring the human rights of migrant workers. If so, please clarify whether it has investigative powers on issues related to the human rights of migrant workers, including those in an irregular situation. How is cooperation between the Office of the Ombudsperson and the NHRI assured, in order to avoid duplication and confusion?**

33. If an application is conveyed both to the Ombudsman Institution and to the National Human Rights Institution on the same issue, the two Institutions conduct separate investigations and take decisions. It would be preferable to cooperate on such cases if information is received in a timely manner from the National Human Rights Institution.

5. **Please provide information on the steps taken by the State party to promote and publicize the Convention and relevant migration legislation and to increase awareness and understanding of the provisions of those instruments within the State party among the general public, migrant workers and members of their families, employers, teachers, health workers and government officials, including law enforcement officials and the judiciary. With respect to migrant workers who are nationals of the State party working abroad, please also describe the measures taken by the State party to promote training programmes, including on gender sensitivity, for government staff dealing with migration issues. In particular, please provide information on training for those providing legal and consular assistance to nationals of the State party abroad who are seeking justice against abuse in the workplace, and regarding migrant workers or members of their families who have been arrested, held in prison, placed in custody pending trial or detained in any other manner.**

34. Meetings were held with various public institutions by the Department of Harmonisation and Communications established within the Directorate General of Migration Management in order to announce the Law No. 6458 on Foreigner and International Protection, and to increase awareness on the issue and ensure its implementation. Moreover, "Preliminary Meeting on Harmonisation Activities Curriculum" was held with public institutions, and consultations conducted regarding the harmonisation of foreigners to the country. "Migration Post" Bulletin, the periodical of the Directorate General, is published trimonthly and delivered to related public institutions working for increasing awareness and sensitivity about foreigners and migration.

35. Counsellors and Attaches of labour and social security are posted at the offices of Turkish diplomatic missions by the Ministry of Labour and Social Security. They serve in 50 missions in 23 countries on behalf of Turkish migrants irrespective of their immigration status. Migrant workers and members of their families can obtain at these offices legal and administrative assistance, accurate information about social security, employment, vocational training, free movement of workers, family formation, family reunification, discrimination, etc. as well as all related formalities and facilities that may be of interest. Such services provided at these offices are free of charge. The same service is also provided to those migrant workers and members of their families who returned to Turkey temporarily or permanently.

6. **Please provide information on the cooperation between the State party and civil society organizations working on migrant workers' rights in relation to the implementation of the Convention. Please also provide information on the involvement of civil society organizations in the design and implementation of policies related to labour migration and human rights. Please indicate whether civil society organizations were involved in the preparation of the replies to the present list of issues.**

36. It was not possible to cooperate with the nongovernmental organizations during the preparation of the report.

7. **Please provide information on any reviews the State party has carried out or plans to carry out to withdraw or amend its reservations and declarations regarding articles 15, 40, 45, and 46 of the Convention.**

37. With the Law on Trade Unions and Collective Agreements No. 6356, formation of trade union organs and procedures for the establishment of trade unions are facilitated and the condition for founders of trade unions to have Turkish citizenship is removed. After this development, Turkey is considering withdraw its reservation for Article 40.

B. Information relating to the articles of the Convention

1. General principles

8. **Please provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including when they are non-documented or in an irregular situation, in case of a violation of their rights; (b) the complaints examined by such mechanisms in the past five years and their outcome; (c) any redress provided to victims of such violations; and (d) any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.**

38. In case rights of persons migrant workers and their families, including those who enter Turkey illegally without having any documents, are violated, one of the mechanisms responsible for investigating the complaints by these people and to make a decision is the Ombudsman Institution. Ombudsman Institution can only carry out investigation and research in case of complaint in accordance with the Law No. 6328, and can prepare special reports in issues it deems necessary. The Ombudsman Institution started to receive complaint applications as of 29 March 2013. Until today, no application has been made with the claim that rights of migrant workers and their families have been violated. Thus, no investigation and research has been carried out regarding this issue. As a result, no personnel or financial resource have been allocated on this count.

39. Brochures and booklets are published in order to provide information to migrants. Efforts are continuing to establish a Children's Web Page and Communication Center for Foreigners (ALO 157) to serve in 4 different languages.

40. The Law on Foreigners and International Protection was translated into 10 different languages. DGMM web page was translated into English to ensure the access of migrants to the necessary information. Translation into other languages: Since 2014, along with Turkish and English, our web page was launched in 4 different languages including German and French, and content translations still continue. Moreover, translation studies in 7 other languages (Italian, Spanish, Russian, Greek, Bulgarian, Arabic and Persian) continue. Turkish languages courses are given in 3 pilot provinces (Kayseri, Konya and Afyonkarahisar) in order to better harmonize the foreigners residing in Turkey with the society. It is envisaged that the courses will be expanded to include all provinces in 2015, if required. An article introducing the Migration Management and the Law was published recently in Skylife Magazine of Turkish Airlines. Thus, information on the institution and the Law reached approximately 50 million people.

2. Part II of the Convention

Article 7

9. Please inform the Committee about measures taken to guarantee non-discrimination, both in law and in practice, to all migrant workers and members of their families with regard to the rights provided for in the Convention. Please include information on education, training and awareness-raising programmes to combat stereotypes, xenophobia and discrimination against migrant workers.

41. The concept of harmonization has been regulated with Law numbered 6458 for the first time in Turkey. Within the economic and financial possibilities of the country, compliance activities are planned benefiting from the recommendations and contributions of public institutions and entities, local administrations, non-governmental organizations, universities and international organizations in order to facilitate harmonization of the foreigner and applicant or people who have status of international protection with the local community and to equip them with information and experience they need in order to act independently in our country, in the country they are re-settled or in countries they returned in any area of social life. In order to identify the road map of harmonization, workshops are being arranged with academicians and CSOs, and solutions are tried to be found to the questions and problems of the migrants.

42. Main harmonization policies of Turkey are regulated in Article 96 of the Law on Foreigners and International Protection numbered 6458 under the title "harmonization", and the foreigners and applicants or international protection status holders were aimed to benefit from those policies. In coordination with International Organization for Migration "Project for Developing Turkey's Harmonization Strategy Document and National Action

Plan" has been initiated. The purpose of the project is to develop a comprehensive, strategic and institutional framework compliant with the effective international and European Union approaches and consistent with political, socio-economic and historical migration context specific to Turkey. It is planned to establish a commission, in which executives of the related public institutions and entities in order to create a consultancy and decision making mechanism about Development of Harmonization Strategy Document and National Action Plan participate. Besides, after the commission is established, a "National Technical Team" shall be established to manage technical processes of the project. Expected output of the project is to make harmonization issue an inseparable part of the migration management system. Inclusion of other related public policies as education, health and employment in harmonization policies shall be ensured. Additionally, policies and implementation tools (strategy paper, action plan) shall be developed in a way to consider harmonization issue effectively and comprehensively.

43. Developing policy tools as strategy paper and action plan, raising awareness and informing public institutions and entities, municipalities, CSOs, academicians, research institutions and entities, media agencies and migrant groups those are related to harmonization, and establishing a governance mechanism are needed.

44. Mentioned strategy paper and action plan shall also include the activities to be carried out for Syrians within the scope of the temporary protection.

45. In coordination with Directorate General of Life-Long Learning and DGMM, for organizing Turkish language courses, harmonization courses and courses to improve occupational and social skills, and for certifying the successful trainees, it is decided to sign a cooperation protocol. Thus, the activity area shall be extended via public education centers that have an extensive nationwide network.

46. It is planned to open community centers aiming to serve Syrians, who are under temporary protection, as well as to assist their harmonization with the society. Infrastructural efforts have been initiated with the participation of other public institutions for discussing technical and service standards of community centers, which shall come to life within the scope of an international project and its operations shall be under the responsibility of Turkish Red Crescent, as well as the establishment of the related legal infrastructure.

10. Please provide information on measures to ensure that migrant workers and members of their families who are documented/in a regular situation or non-documented/in an irregular situation, as applicable, enjoy the same treatment granted to nationals of the State party, in law and in practice, in relation to access to medical care, housing, including social housing schemes, social services, education and work.

47. In Turkey, there exist no distinction, exclusion, restriction or preference, in law or in practice, between persons or groups of persons, on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which would have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity/treatment in employment or occupation, access to medical care and education and housing schemes. However the restrictions by the related Turkish laws regarding acquisition of immovable property by the foreigners are preserved.

48. Migrants who are non-documented or in an irregular situation have the right to access to medical care in case of emergencies free of charge if they do not have sufficient financial resources.

3. Part III of the Convention

Articles 8 to 15

11. Please provide information on the measures taken to combat abuse and exploitation of migrant workers and members of their families, particularly women in an irregular situation, and to prevent the exploitation of migrant workers, particularly women, for prostitution in the State party.

49. In relation to the aforementioned issues, there are preventive measures in the Turkish legislation about sexual abuse of especially women by force. In this regard; within the framework of Article 80 of the Turkish Penal Code, a heavy sanction such as imprisonment from eight to twelve years and a judicial fine equivalent to ten thousand days are envisaged for those committing the crime of human trafficking.

Articles 16 to 22 and 83

12. Please describe the due process safeguards in situations of investigation, arrest and detention of migrant workers and members of their families for criminal offences and administrative infractions, and with regard to the latter, please include immigration-related matters. Please indicate whether the State party has taken any measures to provide for non-custodial alternatives to detention.

50. In Article 90 of the Law numbered 6458, there is responsibility for the applicant or person, who holds international protection status, to notify updated information on his/her work status in thirty days. In the same Article, for the foreigners, who violate the administrative responsibilities, an administrative sanction is imposed restricting the rights other than education and basic health rights.

51. However, for the ones, who were identified to work without a work permit, deportation decision shall be given complying with Article 54 of the Law numbered 6458. On condition that it is specified on the decision for deportation, a time period of up to 30 days shall be given not being less than 15 days to let the foreigners leave Turkey. For the ones subject to a deportation decision if there is the risk to run away and disappear, if he/she violates the rules for entering to and leaving Turkey, if he/she uses inaccurate or false documents, if he/she does not leave Turkey within the specified period of time without an acceptable reason, and if he/she causes threat in terms of public order, public security or public health, then administrative detention decision can be taken by the governorate. Administrative detention decision is not a decision given as a result of a penal jurisdiction due to the delinquencies the foreigners in terms of penal code. If the foreigner commits an illegal act, its results remain within the jurisdiction of the penal code, however; the fact that if the act he/she commits causes a reason for deportation shall be evaluated separately. Nevertheless, complying with Article 59 of Turkish Penal Code, the foreigner, who is convicted to imprisonment due to the crime he/she committed, shall be immediately notified to Ministry of Interior in order to be evaluated about deportation after his/her conditional release and completion of his/her sentence any way. If Ministry of Interior gives deportation decision, the foreigner may be kept under administrative detention until the decision is executed. However, even in this situation, administrative detention is subject to law on foreigners and administrative law and not subject to penal code.

52. If the results to be achieved with administrative detention are achieved via other means, then administrative detention shall not be implemented yet the liabilities to reside at a specified address or giving signature on specified days and etc. may be brought as specified in paragraph 4 of Article 57 of the Law.

53. It is understood that there is no provision exclusive to migrant workers and their families and which restricts their rights in Turkish Criminal Code No. 5237, Criminal Procedure Code No. 5237 and other laws containing special criminal provisions. The persons in question are, in the framework of general provisions, entitled to be tried in a short period of time, have his/her relatives informed in case of his/her arrest or custody, not to be subjected to an arbitrary arrest or detention according to the investigation and prosecution procedures to which citizens of Turkish Republic are subject.

13. Please provide detailed information on migration detention centres, conditions of detention for migrant workers and efforts to improve those conditions, including whether:

54. With the improvement efforts, removal centers taken over from Directorate General of Security by Directorate General of Migration Management with the capacity of 1.740 have reached the capacity of 2.890 through the improvements realized during the handover process. Following conducted works and newly-opened centers, current capacity has reached 5.870. 5 of 6 of the reception and accommodation centers established within the scope of the EU Project have been planned to convert to removal centers. In this context, conversion processes of the 3 centers were completed and put into service. Conversion processes of the other two centers are ongoing. It is planned to complete the deficiencies and operate the centers as of June 2016.

55. Removal Centers Project with a national budget, covering the construction of 12 removal centers, has been taken to the Investment Programs of 2014 and 2015 by Ministry of Development. Total capacity of those centers is 4.820 and construction of one of the centers shall be completed by June and the center shall be opened. Container centers, being constructed in two provinces, shall be completed in the upcoming months and they are planned to be opened in the coming months. It is observed that the capacity of removal centers shall be 13.970 people by June 2016. Projecting and tender procedures for other centers are still going on. It is planned to commission 12 of the centers by the end of 2017.

56. In removal centers, within the scope of the Law on Foreigners and International Protection numbered 6458; arrangements have been made related to the tasks and operations of the center's management and people who shall stay in the shelter. Those arrangements have been put into force by "Directorate General of Migration Management's Directive on Removal Centers" dated 16.10.2015. With the Directive, arrangements have been made on operation units, personnel issues, acceptance of foreigners to the center and proceedings related to admission, settlement, provision of information to the individuals staying at the shelter about their rights and responsibilities, services provided in the center, communication and visits, and overall security of centers. With the latest actions, the Directive on" Procedures and Principles regarding the operation of removal centres" dated 18.02.2016 has been put into force. With this Directive; the issues on risk groups, visits, communication, physical conditions, services provided and offering ways, life styles and placement of the foreigners at the centres, administrative transactions from admission and entry into centre to deportation of the foreigners, working units and missions of centre's personnel as well as arrangements on the centres' security have been made.

(a) The State party has in place alternatives to detention for immigration-related matters;

57. In Article 58 of the Law on Foreigners and International Protection numbered 6458, implementation of "administrative detention for deportation" has been arranged and foreigners excluded from the implementation are kept in removal centers. Administrative responsibilities as residing in a specified address and notifying addresses in periods and methods to be specified can be requested.

(b) Persons detained for immigration reasons are held in separate facilities or together with convicted persons or persons detained pending trial;

58. Although prisoners and detainees stay in prisons within the scope of Penal Code, people, who are under administrative detention due to reasons related to migration, are kept in removal centers complying with Article 58 of the Law numbered 6458. Removal centers are centers established for the purpose of ensuring shelter for foreigners who are under administrative detention and for controlling them and operated directly, or centers operated upon a protocol with public institutions and entities, Turkish Red Crescent or associations working for public welfare with expertise in migration issues. People, who are arrested or imprisoned due to acts in penal code, do not stay in these centers.

(c) Measures to ensure that alternatives to the detention of children exist in the State party. In cases in which alternatives are not used, please provide information on how the State party ensures that children and women are held in gender and age-appropriate detention conditions, including by separating children from adults and female from male detainees who are not family members or partners;

59. It is ensured that foreigners kept under administrative detention are sheltered in separate divisions arranged for women, men, children, families and disabled.

(d) Women detainees are supervised by female personnel;

60. There are sufficient female staff in centers to supervise foreign women kept under administrative detention for deportation, if needed. In the recruitment of personnel in services and security of the centers, the personnel are recruited so as to meet the needs in terms of gender. Female personnel accompany women when they visit the hospital and the security of the section reserved for women, corridors, entry points, body search of women are conducted by female personnel.

(e) Family-friendly facilities are provided for families where possible and appropriate.

61. Family rooms are being established in centers to keep the families together. Also, in newly built centers those rooms are included in the projects of the centers. In case the rooms within the centers are not occupied, families are not separated and union of family is ensured. If it is impossible to keep families together due to the possibilities of the centers, family meeting hours must be arranged in addition to the time spent outdoors and in meals. Manager of the center is responsible for those hours and their arrangement according to the occupancy rate of the center.

62. The mission of the Ministry of Family and Social Policies is to formulate, apply and monitor fair, supply-oriented and integrated social policies with a participatory understanding targeting the entire society prioritizing disabled segments to increase individuals, families and society's welfare.

63. The Ministry is in cooperation with International Social Services (ISS) which undertakes international case studies for the resolution of social, administrative, psychological and legal problems of citizens of foreign nationality in our country. Cooperation of Turkey with ISS starting in 1963 is generally in social, legal and familial areas. Currently nearly 600 case studies are being conducted. The said cooperation involves all citizens of the country in cooperation with the organization based on the principle of reciprocity of services. Therefore the scope of the services provided is for citizens of the countries which are parties to the organization and to the Turkish national citizens in related countries.

64. Citizens of foreign nationals residing legally in our country can apply to the Ministry of Family and Social Policies via hardcopy mail or in petition via Prime Ministry Information Centre or to Family and Social Policies Provincial Directorates for their social, legal and family problems. With the said application, the Ministry ensures conducting of necessary social analysis at home and abroad and thereby preparation of needed social analysis reports to help resolution of problems of individuals or families stemming from below mentioned reasons and guiding the preparation of reports in such way as to aim service quality by assessing the said social analysis reports and determining social services models to be presented:

- Family Reunion
- International Child Abduction
- Divorce
- Child Welfare
- Parenthood Rights
- Custody
- Child Abuse and Negligence
- Reestablishment of Communication
- Investigation of Roots
- Return

14. With regard to article 22, paragraph 4, and article 83 of the Convention, please provide information on the implementation of the right to appeal decisions on the withdrawal of residence authorization and expulsion. Please provide information on cases of collective expulsions.

65. Complying with Article 25 of the Law No. 6458, decisions on rejection of residence permit requests or their cancellations are notified to the foreigner or her/his legal representative or her/his lawyer. The notice includes how foreigner may use her/his rights effectively to object to the decision and her/his rights and liabilities regarding this process. Foreigner may file lawsuit against the administrative proceeding in the administrative court within the framework of the general provisions.

66. According to the same Law, foreigner, legal representative or lawyer may apply to the administrative court within fifteen days as of the day the deportation decision is notified. Authorized administrative court is the court where the administrative office, executing the administrative proceeding of administrative contract subject to the case, is located. The person who have applied to the Court informs the application to the authority that gave the decision for deportation. Applications made to the court are finalized in fifteen days (LFIP, Art. 53/3). However, this is not quite possible in practice. The decision rendered by the court for this subject is final. Reserving the right of the foreigner, during the period granted for opening a court case or in case of application made to the court, the foreigner cannot be deported until the jurisdiction is completed.

67. A deportation decision is taken separately for each foreigner. Reasons for deportation, case of the foreigner, if the foreigner is within the scope of the people for whom deportation decision cannot be made, and other issues are evaluated separately for each foreigner individually.

Article 23

15. **Please provide information on the mandate and resources of the Directorate-General for Consular Affairs with regard to Turkish workers abroad. Please indicate which consular services are provided to Turkish workers and members of their families abroad, including those in an irregular situation. Please also provide statistics on and examples of the legal assistance provided and indicate whether due process is observed, including in detention and/or expulsion cases. Please indicate whether foreign migrant workers and members of their families in Turkey are informed of their right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized in the Convention are impaired, particularly in case of expulsion.**

68. With regard to guaranteeing the rights of the Turkish workers abroad, the relevant Turkish Ministry to sign and implement bilateral social security agreements is the Ministry of Labor and Social Security. The Directorate General for Consular Affairs of the Ministry of Foreign Affairs assists the Ministry of Labor and Social Security in conclusion and entry into force of these agreements. Besides, the Turkish consular missions abroad, upon request, prepare necessary documents for the Turkish workers for their social security payments.

69. Regardless of the statuses of Turkish citizens living abroad, such as "worker/employer" or "asylum seeker/refugee", all the acts related to their civil status, nationality, passport, and notarial acts are carried out by the Turkish General Consulates and Consular Sections of the Embassies of the Republic of Turkey.

70. Most of the General Consulates operating in areas with dense Turkish populations employ legal advisers in order to provide direct legal aid to Turkish citizens. Those legal advisers provide legal assistance to our citizens during detention or expulsion procedures, upon request for consular protection. In other General Consulates, which do not employ any legal advisers provide citizens with a list of names of legal advisers working in the area. General Consulates issue necessary travel documents for citizens about whom the expulsion procedures were completed and the relevant remedies were exhausted, for their return to Turkey.

Articles 25 to 30

16. **Please describe labour laws and regulations relating to remuneration and conditions of work, including on overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract and the minimum wage applicable to migrant workers in both regular and irregular situations. Please indicate whether the same labour laws and regulations relating to labour and social protection apply to nationals of the State party. Please describe the measures taken to ensure that migrant workers in an irregular situation enjoy equality of treatment with nationals of the State party with regard to conditions of work.**

71. The Constitution of Turkey guarantees the right to work. Article 5 of Labour Law No. 4857 entitled "principle of equal treatment" prohibits discrimination on the ground of language, race, sex, political thought, philosophical belief, religion, sect and similar grounds in employment relations. In case of violation of the provisions of this article, the worker can demand the rights that he/she has been deprived of, in addition to an appropriate indemnity equivalent up to four months' wages. Article 18 of Labour Law concerning the conditions for termination of labour contracts explicitly state that race, colour, sex, marital status, family obligations, pregnancy, maternity leave, religion, political opinion and similar reasons do not constitute a valid reason for such termination.

72. Furthermore, allegations of discrimination in labour relations can be placed before the Labour Inspection Board of the Ministry of Labour and Social Security. Besides, legally employed migrant workers enjoy from the services of Turkish Employment Agency on an equal basis with the Turkish citizens such as providing information, guidance and consultancy services, placement and occupational training. The legal and administrative regulations do not have any limitation for migrants regarding the presentation of these services.

17. Please clarify to what extent migrant workers and members of their families in an irregular situation have trade union rights and access to social security and emergency health care.

73. Migrant workers and members of their families who are non-documented or in an irregular situation do not have the right to become a member of a trade union.

74. Migrant workers who are in an irregular situation have the same social security rights as Turkish nationals if they paid social insurance contributions during their employment. If they don't have enough contribution periods, their contributions shall reimburse to them.

75. Migrant workers and members of their families who are non-documented/in an irregular situation have the right to access to medical care in case of emergency situation free of charge if they don't have sufficient financial resources.

76. In addition to all these, article 1 of the Law on Encouraging Social Assistance and Solidarity No. 3294 states "This law aims to help the needy persons accepted to Turkey under whatever means, ensuring fair distribution of income taking measures to promote social justice and to encourage social help and solidarity."

77. In this regard, if needy foreign citizens apply to Social Help and Solidarity Foundation and they can benefit from the services of that foundation. Foreigners in Turkey can be grouped into two categories in terms of social assistance:

- Foreigners with interim identity number: All Foreigners in Turkey with interim identity number can access to same conveniences as Turkish citizens
- Foreigners without interim identity number: Foreigners without interim identity number can benefit from other assistance programs except for regular assistance

78. Regarding the remuneration and other employment and working conditions or membership of trade unions and enjoyment of collective bargaining rights are provided on the equal level for migrants and Turkish citizens.

18. Please describe how the different social security schemes in place in the State party are applied to migrant workers who are documented or in a regular situation and to those who are non-documented or in an irregular situation. Please indicate whether contributions made by migrant workers to pension schemes, if any, are reimbursed to them and/or whether Turkey is a party to bilateral or multilateral agreements on the recognition and transfer of accrued pension benefits.

79. In Turkey, migrant workers who are documented or in a regular situation and those who are in an irregular situation have the same social security rights as Turkish nationals if they paid social insurance contributions during their employment. During the registration stage, Turkish Social Security Institution does not ask any question to foreign migrant whether they have working or residence permit.

80. Migrant workers who are documented or in a regular situation and those who are in an irregular situation have enough contribution periods shall be entitled social insurance benefits. If they don't have enough contribution periods, their contributions shall reimburse to them.

81. The provisions of bilateral or multilateral social security agreements which Turkey is a party ensure to nationals of other contracting party, irrespective of their migrant status social security rights within the principles of equality.

19. Please indicate what measures the State party has taken to guarantee that children of migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, enjoy the right to be registered at birth and to have their nationality of origin ensured in law and in practice.

82. The children of migrant workers who are undocumented or in an irregular situation, are registered at birth by the Turkish General Consulates, in consultancy with the General Directorate of Civil Registration and Nationality (Ministry of the Interior), after confirmation of Turkish citizenship of one of the parents.

20. Please inform the Committee about the domestic legislation that guarantees access to education for all children, including the children of migrant workers. Please indicate whether primary and secondary education is compulsory and available free of charge for all children of migrant workers, including those who are non-documented or in an irregular situation, and provide statistical data on the enrolment of children of migrant workers at the primary, secondary and tertiary levels of education.

83. The importance of the right to education is highlighted in several legal regulations and international agreements, especially in the Constitution of Turkey. With the enactment of Law No. 6287, compulsory education in our country has been extended to 12 years and is free for all children.

84. Foreigners' entry to, stay in and exit from Turkey as well as the procedures and principles related to the scope and implementation of the protection to be provided to foreigners requesting protection from Turkey are determined in Law No. 6458 on Foreigners and International Protection. The Ministry of Education has prepared a guidance and explanatory regulation in line with the related legislation to eliminate problems and hesitations experienced by foreigners in education services in Turkey.

85. With Circular No. 2014/21 on "Education Services for Foreigners", limitations to access to educational institutions of the Ministry have been removed for all registered foreigners. Foreign children's access to education, including the children of migrant workers in our country, is regulated by Circular No. 2014/21.

86. Foreign nationals' children should be registered for accessing primary and secondary education. No services except for emergency health care can be provided for unregistered foreigners according to the Circular issued by the Ministry of Interior.

87. Enrolment in primary schools is carried out within the scope of Article 10, 11, 12, 13, 14 and 15 of Early Childhood Education and Primary Education Institutions Regulation. To follow the enrolment and attendance of foreign students at compulsory school age, students must have residence permits and ID number that will be taken from the district's population departments according to Circular No. 2014/21. Enrolment and attendance to school of Children in immigrant families are the same status with the students who have Turkish Republic (TR) ID numbers. In the 29th article of Secondary Institutions Regulation, enrolment principals are regulated for the foreign students including the children of migrant workers.

88. Issues related to special education services are also regulated by laws, decrees and regulations. In this context, issues related to the educational services offered to individuals with special educational needs are carried out in accordance with the provisions of Law No. 5378 on Disability, No. 573 Decree on Special Education, Decree No. 652 and Special Education Services Regulation. In order to provide training for individuals with special educational needs, they should be Turkish Republic citizens or have identification numbers given to foreign citizens who will reside in Turkey more than six months. Individuals who have ID number or his/her parents may apply to guidance and research center providing services in the area of residence and thus necessary measures for individuals with special educational needs are taken and they can access to education. Family counseling services are also available for these children and their families.

89. Foreign nationals in Turkey can benefit from open schools on the condition that they have Turkish Republic ID numbers or "Foreign Identification Card" and meet the registration admission requirements of the Open Schools.

90. Foreign nationals in Turkey who have temporary TR Identity Number or foreign identification card can also study for free of charge in 3065 different programs (social and cultural courses, vocational and technical courses and literacy courses) that are given in 1346 non-formal Education Institutions. These 1346 non-formal education centers are located in every province and district of Turkey. So, the accessibility is high for all Turkish and non-Turkish beneficiaries.

91. Foreign nationals are not subject to compulsory education in Open Schools. If they request they can benefit from the open schools for a nominal registration fee (30 TL) Registration fee is applied for both Turkish and non-Turkish students at the same amount.

92. The quantitative data of the Syrian and Iraqi students under temporary protection in our country is collected from the provincial directorates for national education on 15 February 2016. In line with this data, the numbers of students in public schools of Ministry of National Education and in temporary education centers are presented in the table below. According to this, 75.748 students in public schools of Ministry of National Education, 247.844 students in temporary education centers, totally 323.592 students, are benefiting from educational services.

Class	*Official Schools*	*Temporary Education Centers*	*Total*	*School Age Population*	*Gross Schooling rate*
Total number of students in Pre-school (5 age)	**4 757**	**13 684**	**18 441**	**72 633**	**25%**
Total number of 1. Grade (6 age)	**23 476**	**50 275**	**73 751**	**71 348**	**103%**
Second Grade students (7 age)	13 033	50 275	63 308	68 430	93%
Third Grade students (8 age)	8 097	31 686	39 783	67 882	59%
Fourth Grade students (9 age)	6 809	23 215	30 024	62 240	48%
Fifth grade students (10 age)	5 255	18 964	24 219	55 021	44%
Sixth grade students (11 age)	3 746	16 211	19 957	50 633	39%
Seventh Grade students (12 age)	3 010	12 441	15 451	51 074	30%
Eighth Grade students (13 age)	2 351	10 282	12 633	49 733	25%
Ninth Grade students (14 age)	1 785	9 679	11 464	50 301	23%
Tenth Grade students (15 age)	1 396	6 901	8 297	49 164	17%
Eleventh Grade students (16 age)	1 094	4 601	5 695	54 865	10%
Twelfth Grade students (17 age)	939	6 812	7 751	53 627	14%
Total number of students	**75 748**	**247 844**	**323 592**	**756 951**	**43%**

93. The Ministry of National Education has organized training courses in cooperation with UNICEF to support the Syrian teachers who teach as a volunteer in temporary education centers that are set up for the citizens of Syria under temporary protection in accommodation centers and in the cities, and developed new training modules according to the demands and needs of Syrian teachers who participated in the trainings. So far, the Syrian teachers participated in the trainings below:

- Minimum standards of education in emergency situations
- Providing psycho-social support in the school environment to the war-affected children
- Classroom management in crowded class
- Preparing a lesson plan with basic lines
- Reflective Teachers Model
- Basic Principles and Processes of Development Programme
- Coping with trauma

94. 6,500 participants who participated in "Coping with trauma" training were given a certificate of participation.

Teacher Data in Temporary Education Centers

95. 1.013 Turkish teachers serve in temporary education centers. 11.060 teachers serve as a volunteer teacher. There are totally 11.939 teachers.

Total number of Turkish teachers			*Total number of Syrian teachers*			*Total number of teachers*		
Woman	*Man*	***Total***	*Woman*	*Man*	***Total***	*Woman*	*Man*	***Total***
508	490	**1 013**	6 306	4 753	**11 060**	6 738	5 231	**11 939**

Workshops for Educational Needs of Syrian children

96. With the coordination of Ministry of National Education and UNICEF, a workshop in Gaziantep has been organized in 08-11 December 2015 on the subject of Syrian Children's Educational Needs. Representatives from Turkish and Syrian teachers, students, parents, academics, social organizations and governmental organizations has attended this workshop. The workshop was about students, teachers, parents and organizational needs which were studied in four scope groups. On the axis of educational environments fundamental needs of Syrian students, teachers and parents and psychological support possibilities have been discussed and a report has been prepared on advised solutions.

Project

97. The project for Supporting the Education of Syrians under temporary protection financed by European Union will be implemented by Turkey Office of UNHCR and the beneficiary is Ministry of National Education. The Project aims to protect the rights of migrant workers and their families. It will support the educational services especially for the Syrians under temporary protection by Ministry of National Education.

98. Aims of the Project are:

- The development of program and material for teaching Turkish as a foreign language for the different age groups of the foreigners

- Reviewing the Turkish teaching materials that are used in the Public Education Centers for foreigners
- Organizing courses for the teachers on how to implement the development programs and materials on teaching the Turkish for foreigners
- Implementing the compensation programs for the Syrian children registered in the MoNE Schools
- Development of Arabic curriculum and material for the Syrian children not to forget their own culture
- Implementing the concentrated university preparation course for the Syrian students to increase their academic success
- Preparing and reviewing suitable modular programs for the vocational trainings of both Turkish and foreign adults in Public Education Centers
- Preparing press brochures and web site to inform the foreigners especially Syrians to facilitate their access to formal and non-formal education in Turkey
- Organizing the activities for the development of the institutional capacity of MoNE to support the more efficient delivery of services for foreigners

Articles 31 to 33

21. Please provide information on the measures taken to guarantee respect for the cultural identity of migrant workers and members of their families.

99. Turkey opens schools, sends teachers/religious officers and organizes cultural/ educational/religious events abroad to guarantee respect for the cultural identity of the Turkish migrant workers and members of their families. The Turkish diplomatic and consular missions abroad, within their responsibilities under international conventions, give necessary assistance to all Turkish citizens, including Turkish migrants workers abroad to protect their cultural identity.

22. Please provide information on measures taken by the State party to ensure that during and upon the termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please provide additional information on the measures taken to facilitate the transfer of those private funds, particularly to reduce the cost of such transactions.

100. Within the framework of the principles identified in the section entitled "Provisions on "Invisible Transactions" of the Circular No. I-M of Central Bank of the Republic of Turkey which entered into force by being published in the Official Gazette No. 20918 dated 3 July 1991, it is free for the persons who have migrated to Turkey and are working in the workplace or independently or engaged in an independent business to transfer their wage and earnings as in exchange or in Turkish currency.

101. As a result of the regulations within the scope of liberalization of Exchange Legislation, there is no restriction for the migrant workers in transferring their wage and savings.

23. Please inform the Committee about any steps taken to inform and guide its nationals going to work abroad prior to their departure, and migrant workers and members of their families in, or in transit through, the State party, of their rights and obligations in the State of employment, in a language that they understand.

102. Turkish Employment Agency (İş-Kur) which is a national placement agency gives services of finding jobs and employees. Employers abroad need approval of İş-Kur to bring their personal to another country for work. By this way it's aimed to eliminate any kind of using informal labour force abroad and secure workers' rights related to work abroad. İŞ-Kur informs migrant workers about their rights in the employment state. Employers also have to provide necessary documents including copies of contracts indicating migrant workers' rights and responsibities.

4. Part IV of the Convention

Article 37

24. Please provide information on the measures taken to fulfil the right of migrant workers and members of their families to be fully informed of all conditions applicable to their admission, stay and remunerated activities in which they may engage, as well as of their rights under applicable laws in the State party.

103. Foreigners who want to work in Turkey can benefit from the services of the embassies and the consulates of Turkey. Councellors and Ataches for Labour and Social Security, Economy, Finance, Custom, Education, Religion and the staff of Ministry of Foreign Affairs shall inform the migrant workers and members of their families (preferably in their own about language) application process for work and residence permit, working conditions, social security rights, education, finance, double taxation, custom, religion and all the necessary information they may require.

104. There are detailed information and explanations about the formalities related to the work permit application of migrant workers and national legislation in the main website of the Ministry of Labour and Social Security (www.yabancicalismaizni.gov.tr) The website which has been designed in line with the languages of the migrant workers applying officially for work permit in Turkey, offers service in English, Russian, Arabic and Chinese together with Turkish.

Article 40

25. Please provide information on how the Trade Unions and Collective Labour Agreements Act (2012) that repealed the Trade Unions Act ensures fundamental trade union rights and meets international standards and commitments undertaken by the State party. Given that the new Act provides that foreign migrant workers may form associations and trade unions, please indicate whether the State party is considering withdrawing its reservation to article 40 of the Convention.

105. The Constitution safeguards the right to form trade unions and to conduct collective bargaining.

106. In the reporting period, the Law on Trade Unions and Collective Agreements and the Law Amending the Law on Trade Unions of Civil Servants entered into force with a view to reflecting the amendments made to the trade union rights in the Constitution to the related laws. These laws introduce significant changes regarding the extension of the trade union rights.

107. With the Law on Trade Unions and Collective Agreements No. 6356, formation of trade union organs and procedures for the establishment of trade unions are facilitated and the condition for founders of trade unions to have Turkish citizenship and be Turkish literate is removed.

108. Regarding the remuneration, employment and working conditions or membership of trade unions and enjoyment of collective bargaining rights are provided on the equal level for migrants and Turkish citizens.

109. As far as the reservation to Article 40 of the Convention is concerned, Turkey is considering withdrawing this reservation.

Article 41

26. Please provide information on the steps taken by the State party to facilitate the exercise by Turkish workers living abroad of the right to vote and to be elected at elections held in the State party, including updated information about amendment No. 6304 of 18 May 2012 to the electoral law.

110. The issues related to elections are regulated in the Law No. 298 dated 26/4/1961 on Basic Provisions of Elections and Voter Registers. Nevertheless, a significant progress has been achieved regarding this issue, with the Law Amending the Law No. 6304 dated 9/5/2012 on Basic Provisions and Voter Registers and in Certain Laws.

111. While citizens living abroad had a chance to vote only at customs gates prior to the amendments No. 6304, with Articles 94/A and 94/C added to the Law No. 298 by the Law No. 6304, district election boards were established abroad and their duties and mandates were determined; Supreme Election Board was authorised at voting points of voters abroad using ballot boxes, customs gates or electronic voting together or separately. With the said arrangement, it was ensured that voting method at ballot box would not only be applied at customs gates but also in our foreign representatives and if required, in places considered appropriate by local authorities. Furthermore, with Article 94/B added to the Law No. 298, it was made possible to vote by letter in addition to electronic method.

Articles 46 to 48

27. Please provide detailed, updated information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment, protection, double taxation and social security for migrant workers and members of their families.

Social rights and working condition

112. Information on migrant's workers social rights and working condition is given at the section "A. General Information".

113. It should be indicated that foreigners legally residing in our country are treated equally with Turkish citizens in terms of legislation and implementation in the areas of taxes, charges and social security premiums.

Vocational training services

114. Foreigners who want to benefit from the vocational training services in Turkey need to be entitled to a residence permit. "Vocational Qualification Law", issued on 21 September 2006 aims to determine national qualification criteria based on national and international vocational standards.

Legal protection

115. The nationals of the Contracting Party in bilateral and multilateral agreements concluded by our country are accepted to benefit from legal aid. Namely, there are regulations on legal aid in Hague Convention on Civil Procedure dated 1954. European

Convention on Submitting Legal Aid Requests dated 1977, UN Convention on Collecting Maintenance Creditors Abroad dated 1956. Hague Conventions on the Rights of the Child dated 1958 and Recognition of Decisions on Maintenance Creditors dated 1973 which the Republic of Turkey is a Party to.

Taxation

116. Under Article 3 of the Law on Income Tax No. 193 entitled "Taxpayers" those continuously residing in Turkey for 6 and more than 6 months will be taxed over incomes and revenues obtained inside and outside Turkey in one calendar year and Article 4 states that those continuously residing in Turkey for 6 and more than 6 months and with residence in Turkey will be considered as settled. In Article 94 of the same Law, charges paid to service provider and payments considered as charges will be subject to taxation.

117. According to the paragraph 14 of Article 23 of the same Law, foreign currency wages paid to employees over the revenue earned outside Turkey by the limited-liability-tax-payer employer without a legal business office at Turkey are exempted from income tax.

28. Please provide information on remittances transferred by Turkish migrant workers abroad. Are any taxes levied on incoming remittances? Please provide information on any measures adopted to facilitate the transfer of migrant workers' earnings and savings to Turkey, including any agreements to reduce the cost of such transactions for migrant workers, and any State-run programmes to facilitate the productive use of remittances.

118. There is free inflow of foreign currency to Turkey. It is not possible to give exact figures regarding the amount of foreign currency which Turkish workers abroad transfer to Turkey. However, there is still a regular inflow of workers' foreign currency to Turkey. Social insurance allowances play a particular role in this inflow. Related social security institutions transfer regularly old age, disability pensions and allowances for returnee Turkish workers while several countries pay total amounts of premiums at one time to the returnees.

119. The double taxation prevention agreements which Turkey is a party to determine the country to tax the social insurances payments. No taxes are collected from social insurance payments in Turkey. Therefore, social insurance payments made by various countries to Turkey are paid grossly to right owners.

120. For instance, an average monthly amount of old age pension paid to each entitled person who resides in Germany is 687,39 Euro whereas the average monthly amount of old age pension paid to entitled persons residing in Turkey amounts to 590,26 Euro. Accordingly, the amount of annual payment of social security pensions transferred to Turkey from Germany is about 690 million Euros.

121. Until 2014, it was possible for Turkish workers abroad to open worker currency accounts at the Central Bank of the Turkey. This practice paid a higher rate of interest to the Turkish workers. However, it was terminated on 01.01.2014.

122. Investment partnerships of Turkish workers had been supported from 1960 until the end of the 1970s in Turkey. Significant investments were made in this period. Although some of them survived, a high portion of these investments did not succeed.

123. On the other hand, the presence of Turkish workers abroad goes back until the beginning of 1960s. In this period, the Turkish citizens have passed from worker to the employer status and gained significant financial means to make considerable investments. They are subject to the same legislation as the other persons investing in Turkey.

Article 49

29. **Please provide information on measures taken to ensure that migrant workers in the State party, including those on short-term or temporary contracts, enjoy equality of treatment with nationals, are allowed freely to choose their remunerated activity without being regarded as in an irregular situation, and retain their authorization of residence in the event of termination of their remunerated activity prior to the expiration of their work permit or similar authorization. Furthermore, please provide information on measures taken to ensure that, in such cases, the authorization of residence is not withdrawn at least for a period corresponding to that during which the migrant worker may be entitled to unemployment benefits.**

124. Unless otherwise provided in the bilateral or multilateral agreements to which Turkey is a party, working permission for a definite period of time is given to be valid for at most one year, taking into consideration the situation in the business market, developments in the labour life, sectorial and economic conjuncture changes regarding employment, according to the duration of foreigner's service contract or the duration of work, to work in a certain workplace or enterprise and in a certain job.

125. After the legal working duration of one year, duration of the working permit may be extended up to three years, on condition of working in the same workplace or enterprise and in the same job.

126. At the end of legal working duration of three years, duration of the working permit may be extended up to six years, on condition of working in the same profession and at the disposal of a desired employer.

127. Working permission for a definite period of time may be given also to the, spouses and dependent children, who have come together with the foreigner or afterwards, on condition that they have resided with the foreigner legally and uninterruptedly for at least five years. The Ministry is entitled to expand or restrict the geographical validity area of the definite period of time working permission.

128. Foreigners applying for the extension of their Working Permit may carry on their activities at the same worksite and profession during the time passing until the conclusion of the application for. If not applied for an extension, the foreigner may carry on working at the same job for a maximum of 45 days.

129. As for the working permit; it is the duration after the Working Permit expiration but before the extension application is resulted. A foreigner may stay in the country for 15 days following the expiration of the Working Permit without being subjected to a fine and this is considered as the grace period (grace period can be defined as the extra time allowed for meeting a requirement or for satisfaction of an obligation). In this period the foreigner may reapply for a work permit but the application may not always result in this time being. If this is the case; the foreigner shall not leave the country before the application results or otherwise he/she may be subjected to a fine. At the end of the grace period, if there is not any ongoing application, the foreigner will be required to leave the country unless he/she has secured a work permit in the meantime or has secured permission to remain on another basis.

130. There is no different application among the insured persons. Each person can benefit from unemployment insurance, consultancy services and occupational activities provided that they are formally employed and their SSI premiums are paid. It should have paid at least 600 days in the past three years to be able claim unemployment insurance. But, they need also to be entitled to a residence permit. They can benefit from unemployment insurance within the validity of their residence permit.

Article 56

30. Please inform the Committee about the legal grounds on which migrant workers may be expelled from the State party.

131. The issue of deportation of foreigners from Turkey is arranged in the Law on Foreigners and International Protection numbered 6458. A deportation decision can be given for the foreigners listed in Article 54 of the Law. Accordingly:

- People, who are evaluated to be deported within the scope of the Article 59 of the Law numbered 5237 (LFIP 54/1-a) (Article 59 of the Turkish Penal Code numbered 5237 indicates "A foreigner convicted to imprisonment for the criminal act s/he committed, is notified to the Ministry of Interior immediately as soon as s/he benefits from parole and completes the punishment for the evaluations related to the deportation proceedings).
- The ones, who are terrorist group leaders, members, supporters or leaders, members or supporters of criminal organizations established for special interests (LFIP Art. 54/1-b).
- The ones who use inaccurate information and false documents in procedures and proceedings carried out for entrance to Turkey, visa and residence permits (LFIP Art. 54/1-c).
- The ones who sustain their lives in Turkey through illegal methods (LFIP Art. 54/1-ç).
- The ones who cause a threat in terms of public order or security or public health (LFIP Art. 54/1d) (İ.G.).
- The ones who exceed the term of their visas or visa exemption periods more than ten days or the ones whose visas are cancelled (LFIP Art. 54-1-e).
- The ones, whose residence permits are cancelled (LFIP Art. 54/1-f).
- The ones who hold a residence permit yet they violate the residence permit period more than ten days as of the day the term of the certificate is over without having an acceptable reason (LFIP Art. 54/1-g).
- The ones identified as working although they do not have work permits (LFIP Art. 54/1-ğ).
- The ones who violate provisions of legal entry to Turkey or legal exit provisions from Turkey (LFIP Art. 54/1-h).
- The ones who are identified to arrive Turkey although they are banned from entering to Turkey (LFIP Art. 54/1-ı).
- The ones, who do not hold the right to stay in Turkey according to other provisions of the Law after the final decision is given for people whose international protection application is rejected, who are excluded from international protection, whose applications are evaluated as inadmissible, whose applications are taken back, whose applications are considered as taken back, and whose international protection status ended or cancelled, (LFIP Art. 54/1- i).
- The ones, whose applications for extending the term of residence permits are rejected but who fail to leave Turkey in ten days, (LFIP Art. 54/1-j).

132. If the migrant workers, who arrive Turkey, carry one or more of the conditions listed above, deportation decision can be given for those people.

5. Part V of the Convention

Articles 57 to 63

31. Please provide information on the particular categories of migrant workers in the State party, including how many migrant workers are in each category and the specific measures adopted for each category by the State party.

133. In Turkey, there are no migrant frontier workers. As far as the seasonal workers, itinerant workers, projet tied workers and self-employed workers are concerned; they are subject to the same labour conditions with nationals. Their social security rights are quarantined by bilateral and multilateral social security agreements. If they are nationals of non-contracting parties with Turkey, then they are subject to Turkish social security schemes.

134. Turkey has not statistics by the particular categories of migrant workers. In the table the number of work permits by some economic activities are provided. The activity code 5, 41, 43 and 63 can be considered as projet tied workers, and the activity codes 55 and 93 can be considered as seasonal workers.

2013

Activity code	*Economic activities*	*Types of work permission*			
		Definite	*Indefinite*	*Independent*	*Total*
5	Mining of coal and lignite	289	0	0	**289**
41	Construction of buildings	431	1	0	**432**
42	Civil engineering	2 036	0	0	**2 036**
43	Specialised construction activities	452	2	0	**454**
55	Accommodation	6 240	2	1	**6 243**
63	Information service activities	38	0	0	**38**
93	Sports activities and amusement and recreation activities	1 549	0	0	**1 549**

6. Part VI of the Convention

Article 64

32. Please provide information on mechanisms and procedures to facilitate the identification of persons in need of international assistance and protection among migrants upon their arrival in the State party. Please include the measures taken by the State party to ensure that its migration control procedures safeguard the rights of vulnerable groups and individuals, such as children and persons fleeing violence and conflict in their own countries. Please include information with regard to the implementation of Act No. 6458 and the work and resources of the Directorate-General for Migration Management within the Ministry of the Interior, which was established under the Act.

135. Each foreigner or stateless person can make an international protection application on her/his behalf. Applications for international protection are made to the Governorates personally (Provincial Migration Management Directorates). However, in times, concerning applications of unaccompanied children and other applicants who cannot make their applications on their own due to acceptable force majeure, applications can be taken in the

premises of the individuals by related departments. If the applicants have special needs, they have priority in the written rights and proceedings within the scope of international protection. To the people who faced torture, sexual assault or other serious psychological, physical or sexual violence, sufficient treatment possibilities are provided to eliminate the damages of the acts listed. Required coordination with the related institutions (Ministry of Family and Social Policies, Ministry of Health, and etc.) shall be ensured within this purpose and possible unjust treatments are tried to be eliminated.

136. Besides, regulations on protection of vulnerable groups within LFIP are given below:

- Removal Ban: Complying with Article 4 of the Law on Foreigners and International Protection no one under the scope of the Law herein shall be returned to a place where s/he will be subject to torture, inhuman treatment or degrading treatment or punishment, or to a place where her/his life or freedom will be under threat due to her/his race, religion, nationality, or membership to a communal group or political ideas.
- Person With Special Need: In Article 3 of LFIP, the definition for person with special need is "out of those applicants and international protection beneficiaries, an unaccompanied minor; a disabled person; an elderly person; a pregnant woman; a single mother or a single father with an accompanying child; or a person who has been subjected to torture, rape or other serious psychological, physical or sexual violence". Persons with special needs have priority in written rights and proceedings, and to the people who faced torture, sexual assault or other serious psychological, physical or sexual violence, sufficient treatment possibilities are provided to eliminate the damages of the acts listed.
- Unaccompanied Children: With the term "unaccompanied children" defined in Article 3 of LFIP, it is meant "a child who arrives at Turkey without the attendance of an adult who by law or custom is responsible for him/ her or, is left unaccompanied after entry into Turkey, unless he/she is not taken under the active care of a person responsible for him/her. It is essential to pay attention to best interest of the minor in any proceeding related to the unaccompanied children having international protection application. As soon as the application is received, provisions of Law on Children Protection are applied, and families and unaccompanied children are accommodated in separate places. Additionally, applications of unaccompanied children cannot be evaluated in an expedited process.
- Humanitarian Residence Permit: Humanitarian residence permit is arranged in Articles 46, 47 and 48 of LFIP. Accordingly, the permit can be issued and extended by governorates for at least one year at most having the approval of Ministry of Interior. In this residence permit, the conditions sought for other residence permits are not sought. Cases, where residence permits can be given, are listed in LFIP. Accordingly, residence permits can be given:
    - When the best interest of the child is of concern;
    - A removal decision or ban on entering Turkey notwithstanding, foreigners cannot be removed from Turkey or their departure from Turkey is not reasonable or possible;
    - Even the person is within the scope of the foreigners to have deportation decision, when deportation decision is not given for reasons that s/he may be subject to the inhuman treatment in the country s/he is going to be deported, have serious health problems, and special conditions like pregnancy, foreigners who are victims of human trafficking and benefiting from support

process, until their vulnerability and treatment are over, and when deportation decisions are not taken for psychological, physical or sexual violence victims;

- When deportation decision is given, in case of availability of unacceptable application and if application is taken back/considered to be taken back, and when juridical procedures are applied against listed proceedings;
- Throughout the removal actions of the applicant to the first country of asylum or a safe third country;
- In cases when foreigners should be allowed to enter into and stay in Turkey, due to emergency or in view of the protection of the national interests as well as reasons of public order and security, in the absence of the possibility to obtain one of the other types of residence permits due to their situation that precludes granting a residence permit; and
- In extraordinary circumstances.

- Residence Permits for Victims of Human Trafficking: Residence permits for victims of human trafficking is arranged in Article 49 of LFIP. A residence permit valid for thirty days shall be granted by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break free from the impact of their experience and reflect on whether to cooperate with the competent authorities. Additionally, the conditions requested for granting other types of residence permits are not sought. The residence permit granted to allow for recovery and reflection may be renewed for the period of six months at most for reasons of safety, health or special circumstances of the victim. However, the total duration shall not exceed three years under any circumstances whatsoever. The residence permit shall be cancelled in cases where it is determined that foreigners who are victims of trafficking or might be victims of human trafficking have re-connected with the perpetrators of the crime through their own will. The fact that deportation decision cannot be given for the victims of human trafficking who benefit from victim support process is ensured by law.

33. Please provide information on the measures taken to prevent irregular migration, including through international agreements, policies and programmes. Please include information on how such measures have been mainstreamed in general migration policies and programmes and indicate whether a measurable result in terms of the number of irregular migrant workers has been determined. Please clarify how the Coordination Board for Combating Irregular Migration, established under article 116 of Act No. 6458, ensures the human rights of irregular migrant workers.

137. Turkey undersigned "Convention Against Transnational Organized Crime" and affiliated two protocols regulating the "Migrant Smuggling" and "Human Trafficking" issues, in Palermo, on December 13, 2000.

138. It is essential for the countries of origin, transit and target to collaborate, to establish social networks and to build bridges among them for developing strategies to combat irregular migration.

139. Strategies that can be developed in this context can be listed as follows:

- Countries of origin, transit and target are to find a common ground and regulate required legal reforms.

- Ensuring coordination between all directly or indirectly relevant units of the state and all national and international organizations.
- Taking all measures improving border security.
- Initiating the use of advanced identification methods such as registering the fingerprints of all individuals.
- Making necessary regulations in the labor field and reducing illegal employment to a minimum level.
- Accelerating the process for migrants to obtain status.
- Strengthening the measures for combatting organized crimes.
- Defining strong sanctions against those who transport irregular migrants.
- Investigating the reasons behind emigration from countries of origin and developing projects for the eradication of such reasons.

140. Turkey's Strategy Document and National Action Plan on Irregular Migration, prepared by Directorate General of Migration Management in order to build irregular migration policies of Turkey and contribute to effective implementation of them, was approved by the Minister of Interior on March 5, 2015. The National Action Plan, covering the years of 2015 to 2018, consists of 6 strategic priorities, 16 strategic needs and 67 activities.

141. Within the framework of the National Action Plan, one of whose strategic priorities is titled as "Reducing Irregular Labor Migration Through Comprehensive Policies". The objectives of the Plan are as follows; "working on labor market management and labor policies in order to reduce irregular foreign labor", "strengthening mechanisms for controlling irregular labor", "ensuring coordination between the efforts for preventing irregular foreign labor and reducing informal economy" and "raising awareness about irregular foreign labor". Indicators of the all-purpose specific activities are identified and measurable objectives are set for assessing the implementation.

142. Furthermore, the Coordination Board on Combatting Irregular Migration is responsible for the effective implementation of Strategy Paper and National Action Plan and steering the above-mentioned goal-oriented efforts by ensuring coordination among institutions.

143. Law on Foreigners and International Protection stipulates the establishment of Coordination Board on Combatting Irregular Migration under the Directorate General of Migration Management for combatting irregular migration more effectively. The mandates of aforementioned Board covers ensuring coordination among relevant units, identifying irregular migration routes, taking measures against them and developing legislation on irregular migration.

144. The Coordination Board on Combatting Irregular Migration first convened on March 12, 2015 and it is planned to include the listed issues in the agenda of upcoming meetings.

Article 66

34. Please provide information on:

(a) the ways and means by which Turkish nationals are typically recruited for work inforeign countries;

(b) efforts to regulate recruitment activities within the State party; and

(c) efforts to cooperate and consult with the main destination countries of Turkish migrant workers with a view to promoting sound, equitable and humane working and living conditions for Turkish nationals in those countries.

(a)

145. The Turkish Employment Agency (İŞ-KUR) which is a national placement agency gives services of finding jobs and employees. Employers abroad need approval of İŞ-KUR to bring their personal to another country for work. By this way it's aimed to eliminate any kind of using illegally labour force abroad and secure workers' rights related to work abroad.

Services and Processes Related to Foreign Employment

146. Foreign study processes include meeting the labour demands of Turkish and foreign companies for positions abroad; performing the processes of job-seekers who apply for employment abroad; giving permission for job postings to be made for meeting their labour demands, processes of private employment agencies related to regulation of foreign employment services; regulation and approval of foreign service contracts; and passport procedures of employees and their families are main services given by İŞ-KUR.

Services and Principles Related to Foreign Employment Services of İŞ-KUR

147. According to the provisions of Law No. 4904, establishing Turkish Employment Agency and related legislation, employers searching workers to be employed abroad may apply to placement services given by Agency, benefit Private Employment Agencies' activities or use own sources.

148. Before service contracts are attested, Turkish companies are obliged to submit to provincial/branch directorates the document stating that the employees are provided with social security.

149. In order for foreign labour demands to be met made to the Agency, provincial/branch directorates are authorized to take necessary precautions as long as they do not violate the principles specified in the legislation.

150. A file is opened for each company that applies for process in provincial/branch directorates

Documents to be submitted by companies to provincial/branch directorates of Agency

151. The companies have to submit the documents specified below to provincial/branch directorates for meeting labour demand or permission for job postings.

Documents to be requested from Turkish Companies

- A copy of Commercial registry gazette

- A letter or certificate of job receipt from our foreign representative's office in the country that the job is taken or from an authorized public agency in our country for contracting jobs
- For the jobs other than contracting jobs, a letter is required from Turkish diplomatic mission specifying the number of employees to be employed. Certificate for Contracting Abroad or Certificate fo Temporary Contracting Abroad
- A document stating that the companies provide social security to employees in accordance with the social security regulations in force

Documents Requested from Foreign Companies

- Copy of company's articles of incorporation as attested by Turkish diplomatic mission or its translation to Turkish made by a certified translation agency
- A letter or certificate of job receipt from Turkish diplomatic mission in the country that the job is taken or from an authorized public agency in our country for contracting jobs
- For the jobs other than contracting jobs, a letter is required from Turkish diplomatic mission specifying the number of employees to be employed

Granting Job Posting Permission for Labour Demands

152. Companies that have submitted the necessary documents and the text of the job posting to be published arc granted job posting permission by provincial/branch directorates to let them meet their labour needs by newspapers, the Internet or similar media.

153. On the other hand, in case a contract related to the job taken abroad is not signed yet, and submission of a document (such as correspondence between the contractor and the employee) stating that the job is taken to the provincial/branch directorate, necessary evaluations are made by the provincial/branch directorate, and a permission for job listing may be granted for recruitment of a person for managerial position as a preparation for the job taken.

154. The companies have to apply to provincial/branch directorates with a copy of the job listing and the Turkish text should be provided, as well, if the job listing is to be published in a foreign language.

155. Duration of the job listing permission to be granted cannot be longer than the duration of the job. Multiple job listings can be posted as long as they are about the same job and the text is the same as the text of the permission granted.

156. In ease of differences between the text of the published job listing and the text they submit to provincial/branch directorates, the company is asked to have the job listing re-posted and another job listing is not permitted in case of a repeated incoherence.

The number of Turkish workers employed by countries during last five years

	2010	*2011*	*2012*	*2013*	*2014 (November)*
Iraq	5 405	10 584	15 010	15 294	6 899
Russia	7 718	9 265	13 762	13 463	8 375
Saudi Arabia	6 349	7 867	8 184	5 206	3 619
Turkmenistan	4 625	4 898	4 810	3 816	3 265
Azerbaijan	555	1 594	2 197	3 069	2 265

	2010	2011	2012	2013	2014 (November)
Qatar	3 687	3 380	505	545	903
Libya	15 643	1 950	690	1 854	1 101

Source: Turkish Placement Office, 2014.

(b)

157. According to article 62 entitled "Turkish citizens working abroad" of the Constitution, it is indicated that the State shall take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Turkish citizens working abroad and to safeguard their tics with the home country and to help them on their return home.

158. By this way, the protection of rights of Turkish citizens working or living abroad is dedicated as a State's duty. In this context, several institutions are established to provide services for Turkish citizens or people with Turkish origins abroad.

159. Turkey has also concluded bilateral Labour Force Agreements with 12 countries on the employment of Turkish citizens with several countries. All these agreements contain provisions concerning the selection, travelling and employment conditions to be met and procedures to be followed for the employment of Turkish citizens in the countries concerned.

160. According to these social security agreements and labour force agreement, period of insurance and work completed with respect to the national legislation of contracting parties, can be aggregated for the purpose of benefiting from both countries' social security's systems on condition that such period do not overlap.

- Multilateral conventions in which Turkey takes part secure the equal treatment of Turkish citizens abroad and improve and encourage human rights and fundamental rights and freedom for all regardless of race, sex, language or religion. Among them it can be enumerated 'European Convention on the Legal Status of Migrant Workers', International Convention on the Elimination of All Forms of Racial Discrimination, European council Social Charter and European Council Social Charter Revised, etc.
- The Presidency for Turks Abroad and Related Communities has been established in 2010 for conducting studies about our citizens living abroad and developing solutions to their problems. The Presidency works in cooperation with institutions of related countries and nongovernmental organizations. Many activities are conducted in this framework and the Presidency provides also financial support to the NGOs established abroad.
- General Directorate of Immigration Administration and Department of Protection of Human Trafficking Victims were established under the Law on Foreigners and International Protection No. 6458. They are responsible for handling procedures on protection of human trafficking victims and addressing the crime of human trafficking.

(c)

161. Counsellors and attaches of Labour and Social Security providing services before Turkish diplomatic missions work in cooperation with institutions of related countries and non-governmental organizations established by Turkish migrants to increase the relation between the authorities of host countries and Turkish migrants. They organise also

information meetings on a regular basis and inform them to increase their participation to the social life of the host country.

162. The Presidency for Turks Abroad and Related Communities supports projects about ensuring familial integrity. Following projects have been realized for migrant families:

- Under "Family Education and Consultancy Centre" Project of a foundation in Vienna (Austria), consultancy services in subjects of health, education, child, family, marriage, psychology and invalid citizens by expert educators and education seminars were held to increase social cultural and economic development of Turkish community and to support active participation.
- Under "The Project of Education Support to Turkish Families and Their Children Living in Multilingual Environment'' in Belgium, school, mother tongue, importance of education and role of the family, families' lack of information on the job selection were elaborated.

163. With those projects, it is aimed that people who will emigrate from Turkey to other countries are provided with accurate information about the life in these countries and misleading propaganda is averted.

Article 67

35. **Please update and disaggregate the information from the Ministry of Foreign Affairs web page, which refers to three million Turkish migrants who returned to Turkey.[1] Please also provide updated information on the efforts undertaken to facilitate the safe and sustainable return of Turkish migrant workers and members of their families and their reintegration into the economic and social life of the State party.**

164. Article 67 of the Agreement deals with the issue of the return in an orderly manner of regular and irregular migrant workers and their families.

165. The Embassies or the Consulates General of the Republic of Turkey cooperate with the authorities of the countries involved to carry out the procedures for the return of irregular Turkish migrant workers and their families. (Identity card, preparation of travel document and the determination of the exhaustion of national law and other proceedings…)

166. On the other hand, the return of regular Turkish migrant workers and their families are completely on voluntary basis. Turkey uses all the means provided by international law to harmonize the Turkish people living abroad with the societies they live in, enjoy equal rights and encourages them to take the citizenship of the country of their residence. The dual citizenship is the preferred choice for Turkish people living abroad. If this is not allowed, the second choice is to obtain the citizenship of the country of residence, by leaving the Turkish citizenship with permission.

167. The persons who leave the Turkish citizenship are granted a special status to enable them to preserve their ties with Turkey and benefit from the rights equally with the Turkish nationals. Those who have this status do not have the right to vote and to be elected, to work as civil servants, to import vehicles and household goods with exemption and are not

[1] "Turkish community living abroad amounts to more than 5 million people, around 4 million of which live in Western European countries, 300.000 in Northern America, 200.000 in the Middle East and 150.000 in Australia. This number increases to 8 million when 3 million Turkish migrants who returned Turkey are taken into account". Available from www.mfa.gov.tr/the-expatriate-turkish-citizens.en.mfa (accessed 19 March 2014).

obliged to do military service. Apart from these, their economic and social rights are the same with the rights of Turkish nationals.

168. Regular Turkish migrant workers and their families residing outside of Turkey at least 24 months have the right to import their private motor and motorless vehicles, used household goods, as well as capital goods, technical materials and office and shop supplies due to office relocation to Turkey. Private motor vehicles includes cars and their trailers and caravans; motorbikes, private airplanes and other entertainment and sports vehicles.

169. Returning Turkish citizens are generally Turkish migrant workers who are out of the labour market and their family members. After returning to Turkey, it is difficult for them to find employment. This situation causes them loss of income and leave them without social insurance coverage. Since 1978, provided that they have paid the minimum insurance premium payments, Turkey gives Turkish nationals who return to Turkey, old age, widow's and orphan's pensions. These persons also must have fulfilled the necessary conditions as Turkish citizens. Thus, migrant workers and their family members receive both pension and covered by health insurance. This policy is implemented rare to find in the world.

170. Before or upon their return to the country, the children of migrant workers are provided with a document indicating the equality of their educational level and they are placed in schools accordingly in their places of residence.

171. Turkish universities allocate a limited number of quota for the children of the Turkish migrant workers.

172. Significant problems are not encountered in the social and cultural adaptation of Turkish migrant workers and their family members and therefore specific projects are not prepared for this purpose. This may be explained as follows:

173. Embassies and consulates general and non-governmental organizations founded by Turkish immigrants are in close contact in countries where Turkish immigrant workers and family members live. The services rendered by Religious Affairs, Education, Labour and Social Security counsellors; and by teachers and religious functionaries affiliated with them; support and sponsorships of Culture and Tourism counsellors to the activities for the promotion of Turkish culture have always kept the relations of the Turkish community abroad with Turkey and Turkish culture warm. The Ministry of Family and Social Policies and the Administration for Turks Abroad and Related Communities also support these services.

174. Turkish migrant workers and their family members have preserved their close ties with their relatives in Turkey. Each year they create massive movements especially between Europe and Turkey by airway and highway to visit their homeland.

175. Finally, the ratings of televisions, newspapers and other press organs that broadcast for Turkish immigrant workers and their family members who live abroad are very high. Local media of the countries where Turkish citizens also act supportively for the preservation of cultural and social bonds.

176. The main issue to be considered here is how to improve the means so that the above mentioned efforts should not create obstacles for the adaptation Turkish nationals to the countries of their residence.

Articles 68 and 69

36. With regard to clandestine movements such as smuggling and trafficking in persons in the State party's territory, please provide information on:

(a) The extent of the phenomena, and data on relevant investigations, prosecutions, and sentences imposed on perpetrators in the past five years;

177. Please find attached the statistical data including last 5 years concerning investigation and prosecution of these crimes and punishments given to perpetrators. (Annex 1, Annex 2, Annex 3)

(b) Measures taken to prevent and eradicate trafficking and smuggling of migrant workers, systematically compile disaggregated data and bring perpetrators of trafficking and smuggling of migrants to justice, including in cases of complicity and involvement of public officials;

(c) The latest developments regarding the specific legislative measures announced by the State party to criminalize human trafficking, the legal status of victims of trafficking while recovering, and the procedures for the protection and recovery of victims, including access to justice.

178. Acts of Migrant Smuggling and Human Trade are regulated as crime in Art. 79 and 80 of TPC.

179. Law No. 6458 on Foreigners and International Protection brought new regulations on combatting human trafficking and the protection of victims. Within this scope:

- "Department for the Protection of Victims of Human Trafficking" has been established as an operational service unit of the Directorate General of Migration Management.
- Foreigners who are to highly suspected to be a victim of human trafficking are given a thirty-day reflection period in order to recover from the impacts of their past experiences and to decide whether to cooperate with the authorities. Additionally, residence permits for six months can now be granted to identify victims of human trafficking without exceeding three years in total.
- Law No. 6458 on Foreigners and International Protection concludes that the victims of human trafficking cannot be subject to deportation.

180. Additionally, within the scope of the secondary legislation on combatting human trafficking and protection of victims; various services are provided to identify victims within the context of victim support services. Support services for the victims of human trafficking are listed in the following two groups:

1. Victim Support Program

1. Considering security, health and special conditions of the victims during the reflection period, during and after the interrogation and prosecution stages, victim support program is provided based on informed consent of the individual.

2. Victim support program provided at a minimum within the bounds of possibility shall cover the following:

(a) Providing accommodation in shelters or safe locations;

(b) Establishing a safe and peaceful environment;

(c) Ensuring access to healthcare services;

(d) Providing pyscho-social support;

(e) Ensure accessing to social services and assistance;

(f) Providing counseling services and information on access to legal assistance and legal rights of the victims;

(g) Guidance on access to education and training services;

(h) Providing vocational training and access to labor market;

(i) Providing necessary guidance about financial support in accordance with the provisions of the Law No. 3294 on Promotion of Social Solidarity and Assistance dated 29/5/1986 with the purpose of supplying temporary financial support to meet the basic needs;

(j) Access to counseling services to be provided by relevant civil society organizations and international organizations;

(k) Providing interpretation services;

(l) Providing information to the (affiliated) Embassy or Consulate of the country which the victim is a citizen of, upon the consent of the victim;

(m) Providing an opportunity for the victim to meet the officials of the affiliated Embassy or Consulate;

(n) Providing assistance for obtaining documents related to identity information.

2. *Voluntary and Safe Return Program*

181. Voluntary and safe return program includes return of the victim to his/her home country or a safe third country, if the victim that he/she does not wish to make use of the support program during or at the end of the support program.

37. Please indicate whether the State party considers the possibility of regularizing the situation of migrant workers and members of their families who are in an irregular situation within its territory, including informal sector workers and long-term residents without legal status. Please provide information on the various residence categories contemplated by law and indicate whether appropriate account is taken of the family situation of such migrant workers. In cases of migrant workers in an irregular situation, please clarify whether a labour relationship, such as an official employment contract, is sufficient legal grounds to obtain an authorization of residence in the State party and if so, please specify its duration.

182. Residence permit procedures of the foreigners have been conducted within the framework of the Law No. 6458 on Foreigners and International Protection and relevant communiqués, since 11/04/2014. Matters related to residence permit are stipulated in Articles 19 to 49 of Section Two under the title of "Residence".

183. Accordingly:

1. Foreigners who will stay in Turkey for a period of longer than ninety days or longer than the visa exemption period are required to obtain residence permit, pursuant to the Law.

2 Foreigners requesting a residence permit are required to hold a passport or another equivalent document with a validity period of 60 more days on top of the period they originally request.

3. Previously, residence permit applications were accepted only by the governor's offices within the country; however; pursuant to the new law, it is essential for the foreigners who will reside in our country to apply to the consulates in their home country or in the country that they legally reside. However, the residence permit applications of the foreigners who are in Turkey during the term of their visas can be made internally until 31/12/2014; within the process of raising awareness among foreigners about the new law.

4. Residence permit applications can be made by the foreigners themselves or by their legal representatives or lawyers.

5. Since 11.04.2014, "residence permit", of which the content and style is re-identified has been issued instead of "residence document". These permits are issued by our Directorate General and send to the addresses of the foreigners via post.

6. Residence permits regulated in the Article 30 of the Law are as follow:

(a) "Short term residence permit" each time issued for at most one year;

(b) "Residence permit for families" each time issued for at most two years;

(c) "Residence permit for students" issued in parallel with the period of study;

(d) "Long-term residence permit" issued without time restriction;

(e) "Humanitarian residence permit" each time issued for at most one year,

(f) "Residence permit for the victims of human trafficking" primarily issued for 30 days and extended for at most six months each time, without exceeding three years in total.

7. Accompanying procedures have been terminated with the new law. A separate application and a separate residence permit are issued for each and every foreigner.

8. Residence permit extension procedures are to be completed sixty days prior to the end of legal residence permit period and to the governor's offices under any condition before the termination of the residence permit period.

9. Foreigners exempted from residence permits are:

(a) Holders of stateless person identity card (included within this scope by the new Law);

(b) Officers of diplomatic corps in Turkey;

(c) Family members of officers of diplomatic corps in Turkey, indicated by the Ministry of Foreign Affairs;

(d) Foreigners working in representative offices of international organizations in Turkey and those given a status pursuant to Conventions that Turkey is a party to;

(e) Those exempted from residence permits pursuant to conventions, which the Republic of Turkey is a party to.

10. Foreigners residing in our country with a residence permit are required to notify relevant authorities regarding the changes in their addresses and marital status in at most twenty working days.

11. If the purposes the of the foreigners that constitute the basis for their residence permit change, foreigners can switch to another type of residence permit, family status is taken into consideration while issuing residence permits and Work Permit Exemption Certificate issued in compliance with Article 10 of the Law No. 4817 on Work Permits of Foreigners dated 27/2/2003 is also recognized as residence permit.

Part II

In this section, the Committee invites the State party to briefly (three pages maximum) provide information regarding the protection of migrant workers and members of their families with respect to:

(a) Bills or laws and their respective regulations, including the law on border management, and constitutional reform;

(b) Institutions and their mandates and institutional reforms;

(c) Policies, programmes and action plans covering migration, including their scope and financing;

184. National Action Plan on Migration and Asylum prepared in 2015 targeted harmonization of the EU legislation and Turkish legislation on migration and bringing our country a separate institutional structuring for migration as well as a new migration approach. Improvements specified in the aforementioned action plan were achieved. Additionally, there are two strategic papers and a national action plan prepared in parallel with today's conditions together with a new and more comprehensive migration approach.

185. Efforts to develop "Irregular Migration Strategy Paper and National Action Plan of Turkey" were completed in 2015 in coordination with all stakeholder institutions and organizations within the scope of a project and approved by the Minister of Interior on March 5, 2015. The budget of the above-mentioned project lasting 18 months is 370,000 USD. One of the resolutions of Coordination Board on Combatting Irregular Migration is implementation of the plan and monitoring of the implementations.

186. "Irregular Migration Strategy Paper and National Action Plan's Implementation Focusing on Mixed Migration" project is a 12-month project funded by the United Kingdom and aims that the Turkish stakeholders understand the mixed migration flows better and increase their capacity to respond, implement Irregular Migration Strategy Paper and National Action Plan and handle the protection needs of migrants. The aforementioned project is carried out jointly by Turkish Coast Guard Command and International Organization for Migration under the coordination of our Directorate General. The budget of the project is 189,500 Pounds. "National Action Plan on the Implementation of Readmission Agreement signed by the European Union and Turkey", prepared by the Directorate General on March 5, 2015 with the purpose of utilizing readmission mechanisms accurately and effectively during the transit periods and for complete implementation of the Agreement, was approved by the Minister of Interior.

187. Harmonization Strategy Paper and National Action Plan will be prepared with the project on "Assistance for the Development of National Harmonization/Integration Policy of Turkey" initiated in December 2015, The project, which will last for 15 months, has a budget of 221,625 Pounds.

188. Additionally, Migration Management Strategy paper of our country will be prepared according to thematic areas with the contributions of international experts and experts of stakeholder institutions. Workshops related to thematic working groups were completed in February. Efforts on the draft documents are still ongoing.

(d) Recent ratifications of relevant human rights instruments;

189. Turkey has signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC-CRC) on 24 September 2012. The ratification process of the Protocol is under way.

(e) Steps to make the declarations provided for in articles 76 and 77 of the Convention;

(f) Recent comprehensive studies on the situation of migrant workers and members of their families.

Part III

Data, official estimates, statistics and other information, if available

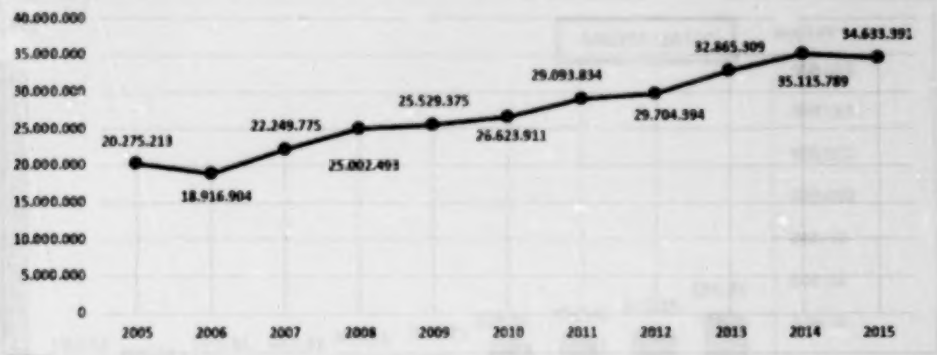
1. Please provide updated, disaggregated statistical and qualitative data for the past three years (unless indicated otherwise) on:

(a) The volume and nature of labour migration flows in and from the State party from the date of the entry into force of the Convention in the State party to the present;

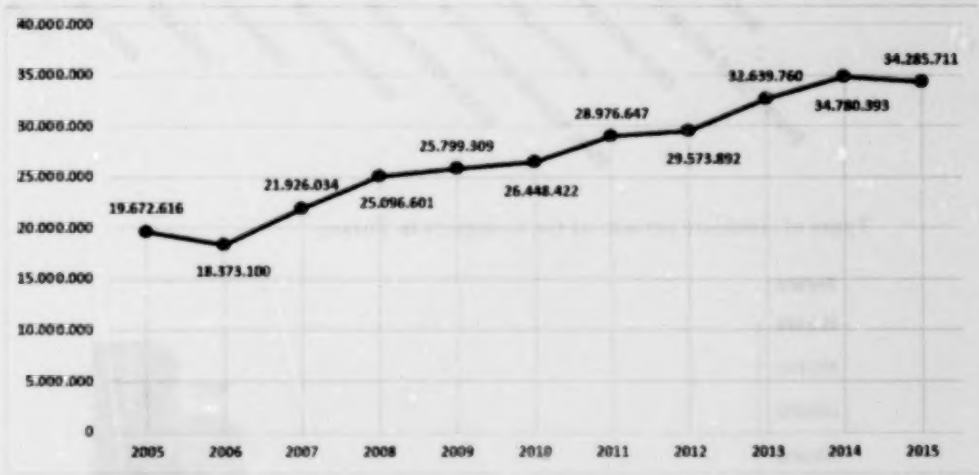
Number of Turks living abroad by countries – 2015

Countries	*Number of Turks*	*Turkish nationals*
Germany	3.076.440	1.527.118
France	611.515	221.243
The Netherlands	396.555	79.595
Austria	277.229	114.740
Belgium	213.143	39.551
U.S.	175.000	175.000
England	250.000	250.000
Saudi Arabia	130.000	130.000
Switzerland	122.228	71.269
Australia	119.411	79.965
Sweden	89.320	12.398
Bulgaria	67.064	67.064
Denmark	61.634	29.876
Norway	16.000	16.000
Turkish Republic of Northern Cyprus	46.330	46.330
Russian Federation	40.000	40.000
Canada	38.002	38.002
Italy	36.115	36.115
Romania	29.857	29.657
Greece	22.540	22.340
Azerbaijan	15.187	15.187
Ukraine	14.912	14.912
Kazakhstan	14.621	14.621
Turkmenistan	12.925	12.925
Georgia	8.000	8.000
Spain	7.500	7.500
Poland	6.623	6.623
Total	**5.898.151**	**3.106.031**
Other countries	223.896	222.466
Total	**6.122.047**	**3.328.497**

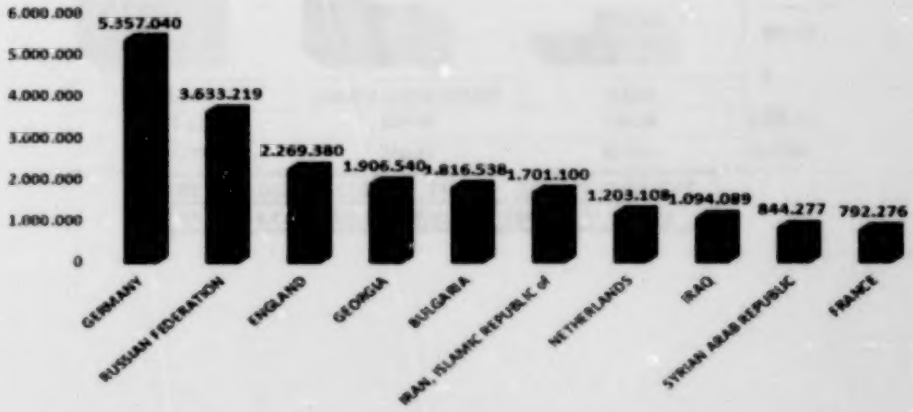
Entry into Turkey per year



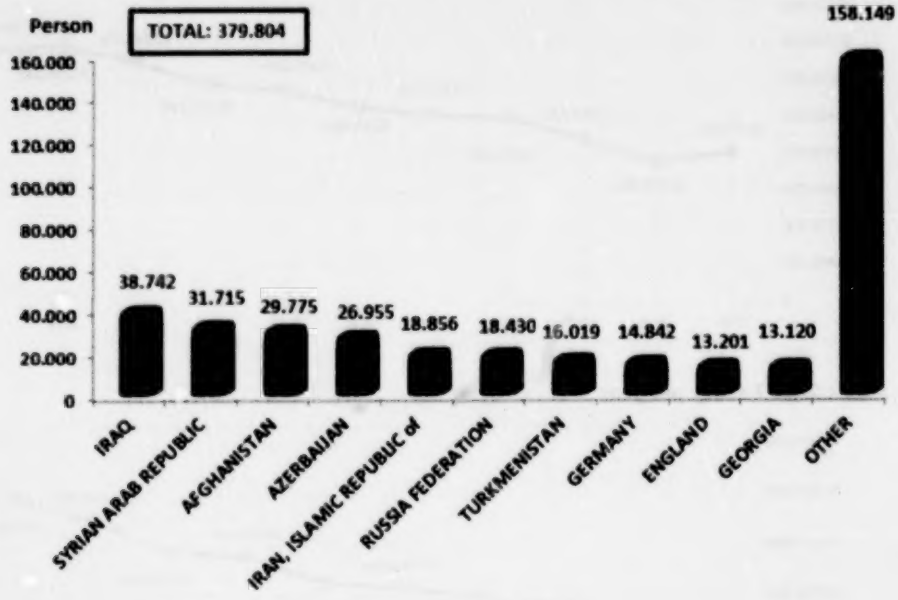
Exit from Turkey per year



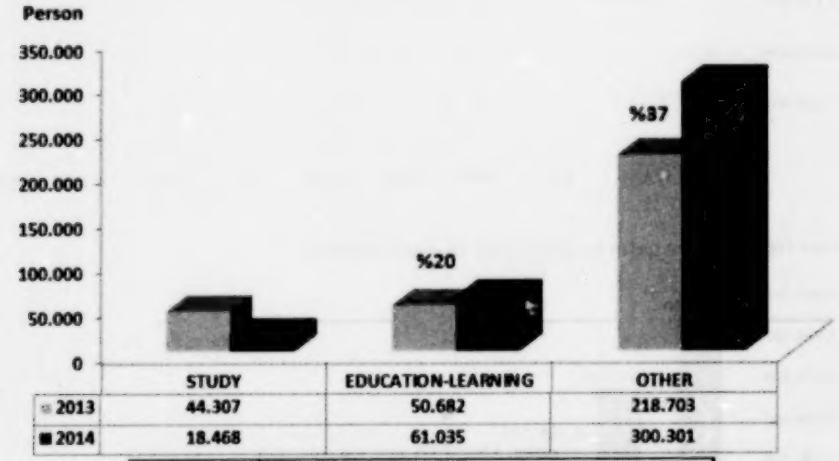
Entries from border gates in 2015 (Top 10 nationalities)



Residence permits granted to the foreigners in 2014 (Top 10 nationalities)



Types of residence permits of the foreigners in Turkey



TURKEY	2010	2011	2012	2013	2014
Total	182.301	234.268	321.548	313.692	379.804

(a) **Migrant workers in detention in the State party and in States of employment;**

(b) **Migrant workers and members of their families that have been expelled or deported from the State party in the past five years;**

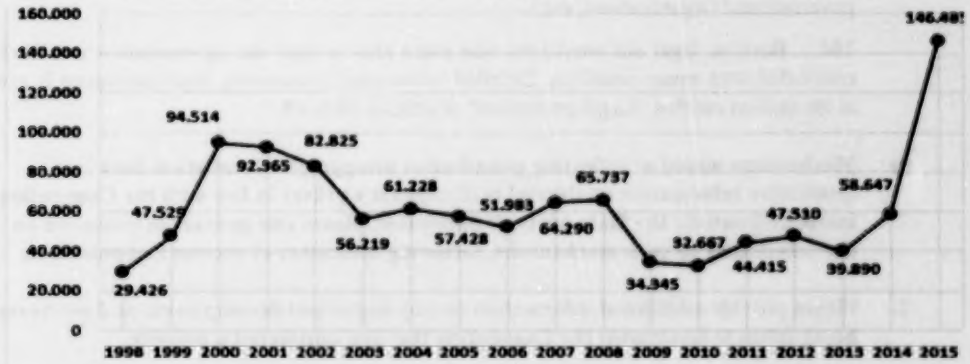
(c) **Non-accompanied migrant children or migrant children separated from their parents in the State party;**

(d) **Remittances from migrant workers who are nationals of the State party working abroad, information on legislation regulating remittances and government policies relating to remittances and development;**

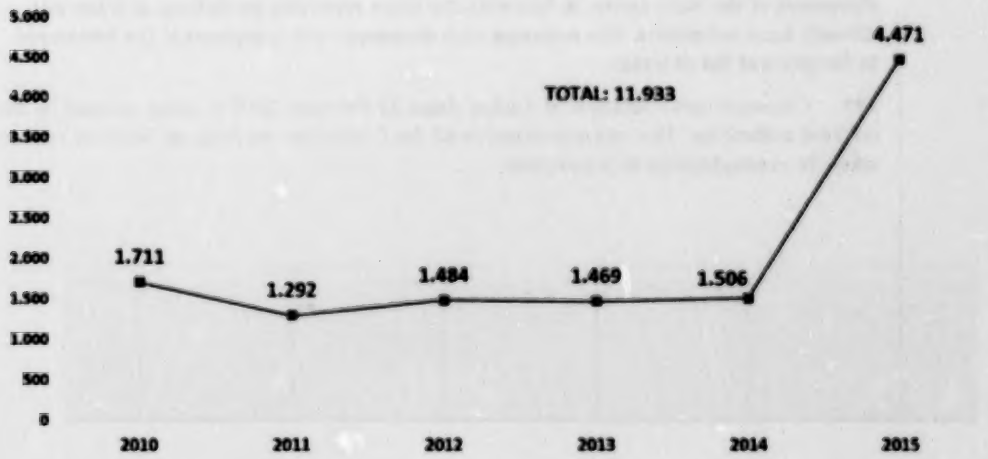
(e) **Applications for family reunification from nationals and foreigners, disaggregated by status of applicant, and the outcomes of the applications, including details of appeals, similarly disaggregated;**

(f) **Migrant workers in an irregular situation. If precise data are not available, please provide the results of studies or estimates;**

Number of irregular migrants apprehended in Turkey per year



Migrant smugglers per year



(g) Legal assistance services provided to migrant workers and members of their families both inside the State party and for nationals of the State party working abroad;

190. Services offered by the offices of Counsellors and attaches of Labour and Social Security Turkish diplomatic missions are explained at the section "A. General Information". All foreigners including their family members may benefit from services assured by those offices.

191. On the other hand, an Annual Report that includes quantitative data regarding Turkish citizens working abroad, the services provided to Turkish citizens and the detailed information on the changes in relevant legislation concerning the working and living legislation of the countries where they work or live is published by the Ministry of Labour and Social Security every year. As well as Turkish citizens, all migrants and their family members may benefit from these services.

192. A number of public institutions including the Municipalities are offering services to meet the needs of migrants groups working or living in Turkey. Some Municipalities (ex. Antalya) web page operates in different languages like Russian, German and English as well as Turkish to better inform and guide legal and irregular migrants.

193. Also, if foreigners reside in Turkey, they may request assistance from social institutions (Social Assistance and Solidarity Foundation. Municipalities, Red Cross. Non-governmental Organizations, etc.).

194. Besides, legal aid provisions take place also in legal aid agreements which Turkey concluded with many countries. Detailed information concerning legal assistance is given at the section entitled "Legal protection" of articles 46 to 48.

(i) Mechanisms aimed at collecting quantitative disaggregated statistical data and qualitative information on the rights of migrant workers in line with the Convention, inside and outside the State party. If applicable, please also provide information on the functioning of such mechanisms, including indicators of success and outcomes.

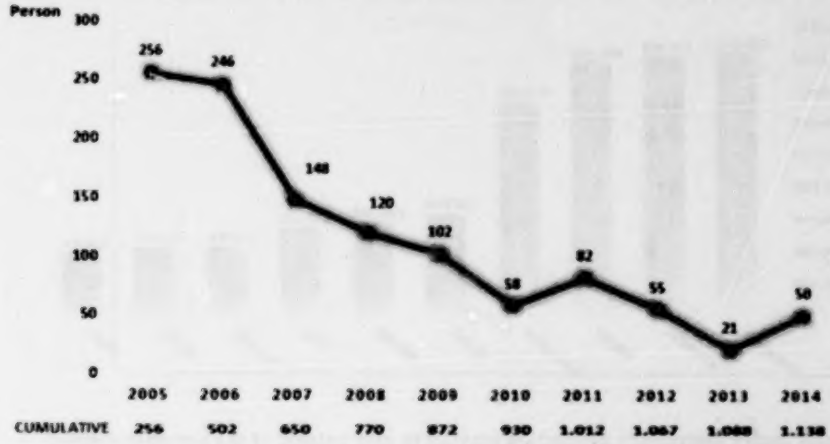
2. Please provide additional information on any important developments and measures being taken to implement the Convention that are considered a priority.

3. Please submit general and factual information about the country, in accordance with the harmonized reporting guidelines for the international human rights treaties, including the Convention (HRI/GEN/2/Rev.6). Please also submit the common core document of the State party, in line with the same reporting guidelines, if it has not already been submitted. The common core document will complement the responses to the present list of issues.

195. Common core document of Turkey dated 22 February 2007 is being updated by the relevant authorities. The recommendations of the Committee on Migrant Workers will be taken into consideration in this process.

Victims of human trafficking

Number of victims of human trafficking per year

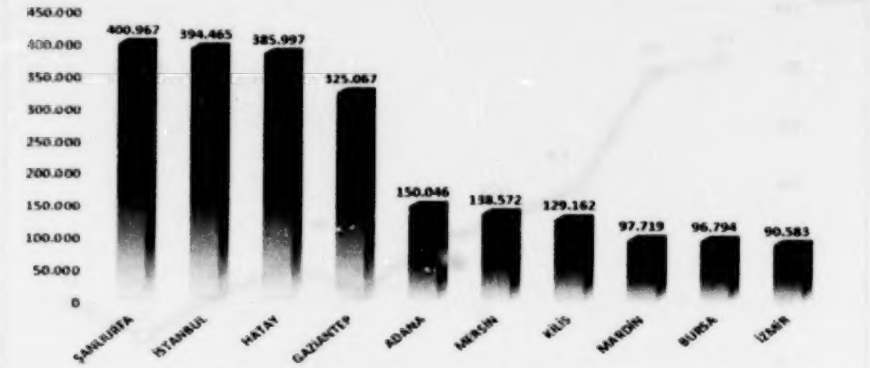


Hotline to stop human trafficking statistics per year

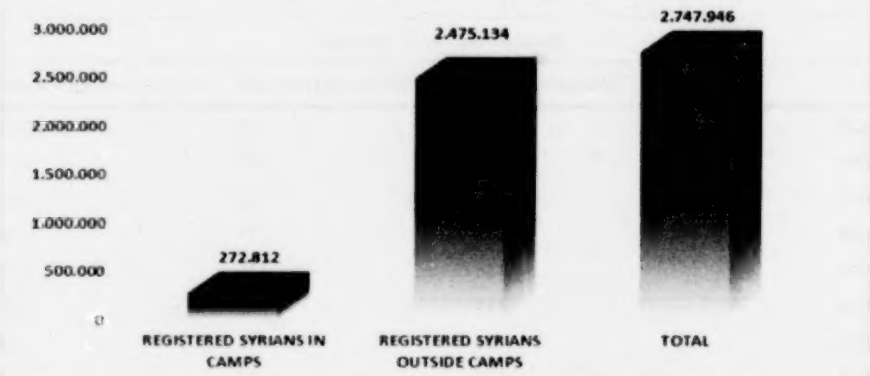
	Recorded calls by 157 Helpline		
Year	*Directed help calls*	*Not directed help calls*	*Repeated emergency calls*
2005	255	91	305
2006	579	127	414
2007	314	62	156
2008	148	77	96
2009	146	136	161
2010	137	110	160
2011	89	53	98
2012	115	64	167
2013	87	48	137
2014	61	23	174
Total	**1 931**	**791**	**1 868**

Temporary protection

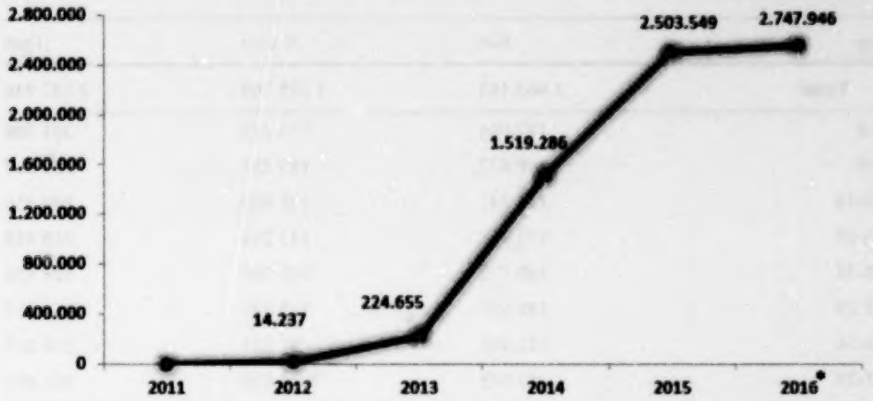
Syrians under temporary protection (Top 10 provinces)



Syrians under temporary protection staying in and outside of the accommodation centers



Syrians under temporary protection per year



*By 11.03.2016

Syrians under temporary protection by accommodation centers

	*Accommodation centers (26 accommodation center in 10 provinces)**	
Syrian Arab Republic	Şanliurfa	111 326
	Gaziantep	41 107
	Kilis	33 607
	Kahramanmaraş	18 383
	Mardin	12 002
	Hatay	18 326
	Adana	10 587
	Adiyaman	10 085
	Osmaniye	9 541
	Malatya	7 848
	Total	**272 812**
	Registered Syrians outside camps	**2 475 134**
	Registered Syrians in Turkey	**2 747 946**

* By 11.03.2016.

The distribution of age and gender for registered Syrians under temporary protection as of 11.03.2016

Age	*Man*	*Woman*	*Total*
Total	**1 462 161**	**1 285 785**	**2 747 946**
0-4	187 096	174 612	**361 708**
5-9	198 672	187 835	**386 507**
10-14	151 541	138 809	**290 350**
15-19	172 134	143 294	**315 428**
20-24	180 772	143 366	**324 138**
25-29	148 363	115 994	**264 357**
30-34	121 426	97 221	**218 647**
35-39	87 075	74 418	**161 493**
40-44	60 135	56 718	**116 853**
45-49	48 468	44 674	**93 142**
50-54	37 834	36 550	**74 384**
55-59	25 570	25 729	**51 299**
60-64	17 770	18 355	**36 125**
65-69	11 557	11 912	**23 469**
70-74	6 273	7 231	**13 504**
75-79	3 850	4 580	**8 430**
80-84	2 066	2 620	**4 686**
85-89	1 109	1 277	**2 386**
90+	450	590	**1 040**

Social aids/payment for Syrians

196. Foreigners without interim identity number can benefit from other assistance programs except for regular assistance (Conditional Education Help-Conditional Heath Help, Widow Women with Deceased Husbands etc.). For instance, a sum amounting to 8.471.225,00-TL was allocated to Social Help and Solidarity Foundations in 2013 for meeting the needs of Syrians entering our country due to turmoil lingering in Syrian Arabic Republic.

Annex

1.

2.

3.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
31 May 2016

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the initial report of Turkey*

1. The Committee considered the initial report of Turkey (CMW/C/TUR/1) at its 314th and 315th meetings (see CMW/C/SR.314 and 315), held on 14 and 15 April 2016. At its 325th meeting, held on 22 April 2016, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, which was prepared in response to the list of issues prior to reporting (CMW/C/TUR/QPR/1). The Committee also welcomes the additional information that was provided during the dialogue by the large, multisectoral delegation, which was headed by the Permanent Representative of Turkey to the United Nations Office and other international organizations in Geneva, Mehmet Ferden Çarıkçı, and composed of representatives of the Ministry of Labour and Social Security, the Ministry of Justice, the Ministry of National Education, the Directorate-General for Migration Management, the Ombudsperson Institution and the Permanent Mission of Turkey to the United Nations Office and other international organizations in Geneva.

3. The Committee appreciates the constructive dialogue held with the delegation. The Committee, however, regrets that the initial report was submitted on 8 April 2016 only, which did not allow sufficient time for translation into the working languages of the Committee, nor for due consideration by the Committee.

4. The Committee is aware that Turkey, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals abroad. However, the Committee also notes that the State party, as a transit and destination country, faces several challenges in terms of the protection of migrant workers' rights.

5. The Committee notes that some countries in which Turkish migrant workers are employed as well as the countries to which many migrants in transit in the State party are going are not parties to the Convention, which may constitute an obstacle to migrant workers' enjoyment of their rights under the Convention.

* Adopted by the Committee at its twenty-fourth session (11-22 April 2016).

B. Positive aspects

6. The Committee welcomes the State party's efforts to promote and protect the rights of Turkish migrant workers abroad, in particular with respect to the right to social security and the right to vote.

7. The Committee notes with appreciation the ratification of or accession to the following instruments:

(a) The Convention on the Rights of Persons with Disabilities, in September 2009, and the Optional Protocol thereto, in March 2015;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in September 2011;

(c) The Optional Protocol to the International Covenant on Civil and Political Rights, in November 2006;

(d) The Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in March 2006;

(e) The Convention relating to the Status of Stateless Persons, in March 2015;

(f) The Council of Europe Convention on Action against Trafficking in Human Beings, in January 2016;

(g) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in October 2007;

(h) The European Social Charter, in June 2007.

8. The Committee welcomes the adoption of the following legislative measures:

(a) The regulation providing that Syrians readmitted to the State party following the agreement reached between the European Union and Turkey on 18 March 2016 can be granted temporary protection again upon request, on 7 April 2016;

(b) The regulation on the implementation of the Act on Foreigners and International Protection, on 17 March 2016;

(c) The regulation on combating trafficking in human beings and protection of victims of trafficking, on 17 March 2016;

(d) The regulation on work permits for foreigners who have been granted temporary protection (No. 8375), on 15 January 2016;

(e) The regulation on temporary protection (No. 6883), on 22 October 2014;

(f) The Ministry of Education circular on education services for foreign nationals (No. 2014/21), on 23 September 2014;

(g) The Act on Foreigners and International Protection (No. 6458), on 11 April 2013;

(h) Act (No. 6304) amending the Act on Elections and Electoral Registers and certain Acts, on 9 May 2012;

(i) The circular on foreign national students (No. 2010/48), on 16 August 2010;

(j) The Act on Social Security and Universal Health Insurance (No. 5510), on 31 May 2006.

9. The Committee also welcomes the following institutional and policy measures:

(a) The adoption of the tenth National Development Plan (2014-2018) with a dedicated chapter on migration;

(b) The adoption of the Strategy Document and National Action Plan on Irregular Migration, in 2014;

(c) The establishment of the Directorate-General for Migration Management under the Ministry of the Interior, in 2013;

(d) The establishment of the Office for Turks abroad and related communities, on 6 April 2010.

C. Factors impeding the implementation of the Convention

10. The Committee recognizes that the State party is currently hosting more than 2.7 million Syrian nationals under temporary protection and that it has been providing emergency response assistance to them since 2011, which has put a huge strain on the resources and infrastructure of the State party. It commends the State party for the tremendous support it has provided to Syrian nationals in the world's largest humanitarian crisis since the Second World War, triggered by the conflict in the Syrian Arab Republic.

D. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

11. The Committee welcomes the steps taken by the State party to adopt legislation to protect the rights of migrant workers, including the 2013 Act on Foreigners and International Protection (No. 6458). However, the Committee is concerned that:

(a) The State party has not made sufficient effort to ensure that the provisions of the Convention are reflected in all relevant national legislation;

(b) The guarantees of access to health, education, the labour market, social assistance, interpretation and similar services under the Act on Foreigners and International Protection appear to be discretionary rather than mandatory, given the wording of article 260161 (1);

(c) The lengthy procedures for work permit applications for migrant workers, including those under temporary protection, encourage employers to hire undocumented migrant workers;

(d) Strict procedural rules and challenges encountered in the recognition of professional certificates cause migrant workers to be employed in jobs that are not compatible with their professional and educational backgrounds, including as unskilled labourers.

12. **The Committee recommends that the State party take the steps necessary to ensure that its national laws and policies are in line with the provisions of the Convention and consider simplifying procedures for work permit applications and for the recognition of foreign professional certificates.**

13. The Committee is concerned about the lack of information on the application of the Convention by domestic courts.

14. **The Committee invites the State party to provide in its second periodic report information on the application of the Convention by domestic courts.**

Declarations and reservations

15. The Committee is concerned that the State party has made declarations and reservations under articles 15, 40, 45 and 46 of the Convention that may impede the full enjoyment of the rights of migrant workers under the Convention.

16. **The Committee recommends that the State party take the steps necessary to withdraw the declarations and reservations made with respect to articles 15, 40, 45 and 46 of the Convention.**

Articles 76-77

17. The Committee notes that the State party has not made the declarations recognizing the competence of the Committee to receive and consider communications from State parties and individuals concerning violations of the rights set out in the Convention, provided for in articles 76 and 77 of the Convention.

18. **The Committee recommends that the State party consider making the declarations provided for in articles 76 and 77 of the Convention.**

Ratification of relevant instruments

19. The Committee commends the State party for ratifying most core international human rights treaties as well as a number of International Labour Organization instruments. The Committee, however, notes that it has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, or the following International Labour Organization instruments: the Migration for Employment Convention (Revised), 1949 (No. 97), the Minimum Wage Fixing Convention, 1970 (No. 131), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181), and the Domestic Workers Convention, 2011 (No. 189).

20. **The Committee recommends that the State party consider ratifying or acceding to the above-mentioned instruments as soon as possible.**

21. Noting that the State party is party to the 1951 Convention relating to the Status of Refugees, as amended by the 1967 Protocol relating to the Status of Refugees, the Committee is concerned that it maintains a reservation limiting the application of the Convention to States members of the Council of Europe.

22. **The Committee recommends that the State party consider withdrawing the reservation relating to the geographical limitation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

Comprehensive policy and strategy

23. While noting the development in 2015 of the National Action Plan on Migration and Asylum and the Strategy and National Action Plan on Irregular Migration, the Committee regrets that the State party has not provided sufficient information on the specific measures it has taken to implement the Convention.

24. **The Committee recommends that the State party adopt, implement and adequately resource a comprehensive migration policy, in line with the Convention**

and in a gender-sensitive manner. The Committee urges the State party to include in its second periodic report updated information, supported by statistics, on the concrete measures taken to implement the rights of migrant workers set out in the Convention, both in law and in practice.

Coordination

25. While welcoming the establishment in 2013 of the Directorate-General for Migration Management under the Ministry of the Interior, as well as other coordination mechanisms such as the Migration Advisory Board and the Migration Policies Board, the Committee is concerned that the coordination among the institutions and services that deal with the various measures to implement the rights under the Convention is insufficient.

26. **The Committee recommends that the State party strengthen its efforts to improve coordination among ministries and agencies at all levels of government for the effective implementation of the rights protected under the Convention, including by ensuring appropriate human and financial resources, as well as capacity for the Directorate-General for Migration Management and other key institutions engaged in handling migration issues.**

Data collection

27. While appreciating the State party's efforts to provide data on migration flows and on other migration-related issues, the Committee is concerned that labour migration statistics in the State party are produced in a fragmented way.

28. **The Committee recommends that the State party establish a system for compiling qualitative and quantitative migration-related statistics and information covering all aspects of the Convention, including on migrant workers in an irregular situation, and that it collect detailed data on the status of migrant workers in the State party. The Committee encourages the State party to compile information and statistics disaggregated by sex, age, nationality, reason for entry into and departure from the country and type of work performed, in order to have an effective impact on relevant policies and the implementation of the Convention in line with target 17.18 of the Sustainable Development Goals.[1] The Committee also recommends that the State party ensure the cooperation of its consular and diplomatic representations abroad in order to compile data on migration, including the situation of irregular migrant workers and victims of trafficking. In cases in which it is not possible to obtain precise information, for example, in the case of migrant workers in an irregular situation, the Committee would welcome information based on studies or estimates.**

Independent monitoring

29. The Committee welcomes the information in the State party's report that the Ombudsperson Institution has the power to investigate all complaints made by migrant workers, including those in an irregular situation. The Committee is, however, concerned that:

(a) The Ombudsperson Institution does not have the right to conduct inquiries on its own initiative;

[1] The 2030 Agenda for Sustainable Development was adopted by the General Assembly in its resolution 70/1 on 25 September 2015. It comprises 17 Sustainable Development Goals, which are further broken down into targets.

(b) The Act on the Human Rights and Equality Institution of Turkey, which entered into force on 20 April 2016, and under which the Turkish National Human Rights Institution will become the Human Rights and Equality Institution, weakens the monitoring mandate as, for cases of discrimination, the institution will be mandated to investigate human rights violations upon application only;

(c) The Act on the Human Rights and Equality Institution of Turkey does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Moreover, the functional and financial independence of the national institution could be detrimental to its work as the national preventive mechanism established under the Optional Protocol to the Convention against Torture.

30. **The Committee recommends that the State party seek technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) with a view to ensuring that:**

(a) **The national institution is both functionally and financially independent of the Government, in compliance with the Paris Principles, including with regard to the breadth of the mandate and the ability to raise constitutionality issues and monitor the effectiveness of the judiciary, and has the authority to investigate all issues relating to human rights, including the rights of migrant workers and members of their families, regardless of their status;**

(b) **The national preventive mechanism is fully independent and mandated to conduct unannounced visits to all places where migrant workers and members of their families may be deprived of their liberty, including airport transit zones;**

(c) **The Ombudsperson Institution has jurisdiction to intervene on all administrative decisions relating to migration, including arrest, detention, decisions on migration status and expulsion;**

(d) **There is consolidation and coordination between the Ombudsperson Institution and the new Human Rights and Equality Institution;**

(e) **Elections for the new Human Rights and Equality Institution are conducted in a fully transparent manner, with job openings being widely advertised and candidates not being nominated by the executive branch of the Government.**

Training on and dissemination of information about the Convention

31. While noting that civil servants, the security forces and the judiciary have been trained on human rights, the Committee is concerned at the absence of materials and training programmes specifically on the Convention and the rights enshrined in it, and the dissemination of such information among all stakeholders, including national, regional and local government bodies, domestic courts, civil servants providing free legal aid in immigration procedures, civil society organizations, and migrant workers and members of their families.

32. **The Committee recommends that the State party develop education and training programmes on the Convention and that such programmes be made available to all officials and persons working in migration-related areas. The Committee also recommends that the State party ensure that migrant workers have access to information about their rights under the Convention, and that it work with civil society organizations and the media to disseminate information about the Convention and promote its implementation.**

Participation of civil society

33. While welcoming the fact that the coordination bodies established under the Act on Foreigners and International Protection include representatives of academia, the public sector and non-governmental organizations, the Committee regrets that, as the State party asserted in its written replies to the list of issues, it was not possible to cooperate with civil society during the preparation of the State party's report. The Committee is concerned that some civil society organizations advocating for human rights in the State party:

(a) Have reportedly been subjected to intimidation by State officials;

(b) Are reportedly afraid to support undocumented migrant workers as they are concerned that they might be charged with smuggling migrants;

(c) Have limited access to detention centres.

34. **The Committee reminds the State party that human rights defenders deserve special protection as their work is critical for promoting human rights for all, including migrant workers. The Committee therefore strongly recommends that the State party take immediate action to allow journalists, human rights defenders and all non-governmental organizations to exercise their right to freedom of expression and opinion without threats and harassment. The Committee urges the State party to ensure that reported instances of intimidation and harassment of members of non-governmental organizations, human rights defenders and civil society activists are promptly and independently investigated, and those responsible for such abuses are held accountable. The Committee recommends that the State party:**

(a) **Encourage civil society organizations to support migrant workers and members of their families and ensure that no civil society organizations are penalized for supporting or working with undocumented migrant workers;**

(b) **Systematically involve civil society and non-governmental organizations in the implementation of the Convention, including the implementation of migration policies and of the agreement reached between the European Union and Turkey on 18 March 2016;**

(c) **Provide civil society organizations with unhindered access to detention centres to enable them to support detained migrant workers and members of their families effectively.**

Corruption

35. The Committee regrets the lack of information about measures taken to prevent corruption among officials who have responsibilities relating to the Convention, including border officials and members of the police.

36. **The Committee invites the State party to provide in its second periodic report information on measures taken to prevent corruption among officials who have responsibilities relating to the Convention, including statistical information on investigations and sanctions. The Committee recommends that the State party conduct awareness-raising campaigns with a view to encouraging migrant workers and members of their families who claim to be victims of corruption to report it.**

2. General principles (arts. 7 and 83)

Non-discrimination

37. While noting that the State party is currently drafting a harmonization (integration) strategy and national action plan, the Committee is concerned that:

(a) The national legislation does not cover all the prohibited grounds of discrimination included in articles 1 (1) and 7 of the Convention;

(b) Article 5 (1) of the Labour Code prohibits discrimination in the employment relationship, but does not prohibit discrimination at the recruitment stage;

(c) There is a lack of information on practical examples that would make it possible to assess the implementation of the right to non-discrimination pursuant to the Convention with respect to both documented and undocumented migrant workers.

38. **The Committee recommends that the State party:**

(a) **Take all measures necessary, including legislative amendments, to ensure that all documented and undocumented migrant workers and members of their families within the territory of the State party or subject to its jurisdiction enjoy without discrimination the rights recognized in the Convention, in accordance with article 7 thereof, including by amending the Labour Code;**

(b) **Provide in its second periodic report information on concrete measures taken and current practice in that regard, together with relevant examples;**

(c) **Ensure that the official discourse about irregular migrants refers to their human rights and the international obligations of the State party to respect, protect and fulfil their rights under the Convention and other international human rights instruments.**

Right to an effective remedy

39. The Committee is concerned that:

(a) While there are provisions in the State party's legal system to address the labour rights of migrant workers, the enforcement of those rights is in practice reportedly dependent on the migrant worker's ability to pay for a lawyer;

(b) The very few cases in which migrant workers have been able to obtain some sort of compensation have been concerned with severe work-related injury or death;

(c) The majority of the limited number of complaints the Ombudsperson Institution has received to date from migrant workers or members of their families have been declared inadmissible;

(d) Undocumented migrant workers in Turkey are reportedly rarely able to seek redress for violations of their rights under the Convention without being punished on the grounds of their irregular migration status;

(e) The fear of retaliation, the threat of deportation, and the monetary fine for carrying out unregistered work under article 21 of the Act on work permits for foreigners (No. 4817) deter undocumented migrant workers from filing complaints;

(f) There is a lack of information and adequate legal counselling mechanisms for migrant workers on their rights and the remedies available in the State party's justice system.

40. **The Committee recommends that the State party:**

(a) **Ensure that, in law and in practice, all migrant workers and members of their families, including those in an irregular situation, have the same opportunities as nationals of the State party to file complaints and obtain effective redress in the courts if their rights under the Convention are violated, including by removing obstacles to access to justice such as monetary fines for carrying out unregistered work and an increased risk of deportation if a complaint is filed;**

(b) **Take measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in case of a violation of their rights under the Convention.**

3. Human rights of all migrant workers and members of their families (arts. 8-35)

Border management and migrants in transit

41. The Committee commends the State party for its policy of welcoming and registering Syrian nationals fleeing their country during the Syrian crisis. The Committee is, however, concerned at:

(a) Reports that since 2016 the State party has introduced visa requirements for Syrians arriving by air and has continued building a concrete wall to seal its land border with the Syrian Arab Republic to keep out anyone not in need of emergency medical care;

(b) Allegations that the State party's border guards have at times been using live ammunition to prevent Syrian nationals, including children, who are fleeing Islamic State in Iraq and the Levant advances, from crossing the State party's border, and the lack of information on investigations into those allegations;

(c) The continued, and increasing number of, deaths of migrants in the State party's coastal waters since 2012, despite their decrease in March 2016 owing to the State party's search and rescue efforts through the SAFEMED project and Operation Aegean Hope;

(d) The limited information about specific mechanisms and procedures to facilitate the identification of persons in need of protection under international human rights, humanitarian and refugee law among migrants arriving in the State party and about specific measures taken to ensure that the State party's migration procedures safeguard the rights of vulnerable groups and individuals, such as children and persons fleeing violence and conflict in their own countries;

(e) The lack of arrangements for reception and for processing asylum claims, as well as the lack of assurances against refoulement, in place in the State party before migrants started being returned from Greece under the agreement reached between the European Union and Turkey on 18 March 2016.

42. **With reference to the report of OHCHR on the situation of migrants in transit (A/HRC/31/35) and the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, the Committee recommends that the State party:**

(a) **Continue to honour its obligation under customary international law, international human rights law and article 6 (1) of the Act on Foreigners and International Protection to respect the principle of non-refoulement, and to that end, refrain from turning away any migrants at borders or forcibly returning them when that would expose them to the threat of persecution, torture or other cruel, inhuman or degrading treatment;**

(b) **Promptly investigate all instances of abuse and death at the State party's borders and take measures to prevent such human rights violations in the future, including by ensuring that all migrants in transit have access to justice and to effective remedies in cases of violence and abuse, whether inflicted by officials or by private individuals, groups or institutions;**

(c) **Develop and put in place mechanisms to assess the individual situation of migrants in transit in order to determine without discrimination their protection**

needs, in full compliance with international human rights, humanitarian and refugee law;

(d) **Guarantee the human rights of all migrant children in transit and ensure that they are treated as children first and foremost and, in that regard, provide guidance to all relevant authorities on the operationalization of the principle of the best interests of the child for migrant children in transit;**

(e) **Ensure that migrants in transit who are victims of violence, physical or mental abuse or exploitation are referred to the appropriate services, including medical and psychosocial services; and provide migrants, in particular girls and women who have been raped or subjected to other forms of sexual violence during their transit, with the protection and treatment appropriate to their circumstances and situations, including sexual and reproductive health services encompassing access to rights-based, comprehensive and integrated sexual and reproductive health information and services;**

(f) **Establish, operate and reinforce adequate and effective rescue services at all of its international borders and further strengthen its maritime search and rescue services and assistance to the families of deceased and missing migrants, including identification and repatriation of bodies;**

(g) **Negotiate the postponement of returns from Greece until appropriate arrangements are put in place for reception and for processing international protection claims;**

(h) **Ensure that no measures aimed at addressing irregular migration or smuggling of migrants adversely affect the human rights of migrant workers and members of their families, and that all migrant workers and members of their families are provided with the assistance they need and are afforded due process guarantees.**

Labour exploitation and other forms of ill-treatment

43. The Committee notes the State party's efforts to eliminate child labour. The Committee is, however, concerned that many migrant children, be they unaccompanied or with their families, are involved in informal labour, mostly in the agricultural sector where they work long hours under harsh conditions without legal protection, given that article 4 of the Labour Code does not apply to agricultural enterprises employing 50 or fewer workers. The Committee is also concerned that the minimum age for employment, set at 15 years, is lower than the age at which children normally complete compulsory education.

44. **The Committee recommends that, in line with target 16.2 of the Sustainable Development Goals, the State party:**

(a) **Extend legal protection to all migrant child workers, including those who work in agricultural enterprises employing 50 or fewer workers or in small shops employing up to three persons;**

(b) **Bring its legislation on the minimum age of employment into conformity with the age at which children normally complete compulsory education and with the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182);**

(c) **Incorporate specific interventions regarding migrant children into the 2016-2023 Time-bound Policy and Programme Framework on the Elimination of the Worst Forms of Child Labour, or develop a specific strategy on the elimination of the worst forms of child labour for migrant children;**

(d) **Increase labour inspections and prosecute, punish and sanction persons or groups exploiting child migrant workers or subjecting them to forced labour and abuse, especially in the informal economy;**

(e) **Provide adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, to migrant children who have been victims of labour exploitation.**

45. The Committee is concerned about:

(a) The lack of data on sexual and gender-based violence, including early and forced marriages, among migrants in the State party;

(b) The lack of awareness among migrant workers and members of their families about the national referral mechanism for victims of sexual and gender-based violence, and among local authorities and practitioners at the provincial level on the applicability to migrant women of the State party's national legal framework on violence against women;

(c) The neglect by local authorities of the protection needs of migrant women who are survivors of or at risk of violence;

(d) The limited national capacity for the identification of migrants who are survivors of sexual and gender-based violence and specialized services for them;

(e) Limited programmes for the prevention of sexual and gender-based violence among the migrant community.

46. **The Committee recommends that the State party take measures to:**

(a) **Collect data on sexual and gender-based violence, including early and forced marriages, among migrants in the State party;**

(b) **Raise awareness among migrant workers and members of their families about the national referral mechanism for victims of sexual and gender-based violence, and among local authorities and practitioners at the provincial level on the applicability to migrant women of the State party's national legal framework on violence against women;**

(c) **Address the protection needs of migrant women who are survivors of or at risk of violence;**

(d) **Build capacity for the identification of migrants who are survivors of sexual and gender-based violence and set up specialized services for them;**

(e) **Include a focus on migrant workers and their families in mechanisms and programmes for the prevention of sexual and gender-based violence.**

Due process, detention and equality before the Courts

47. The Committee notes the State party's information that unaccompanied children are accommodated in institutions where they receive child protection services. The Committee is, however, concerned about:

(a) The widespread, increasing and automatic detention of a large number of migrant workers and asylum seekers in an irregular situation, including families and children, many of whom are apprehended while trying to reach Greece;

(b) Article 57 (2) of the Act on Foreigners and International Protection, which provides that administrative detention can be ordered for the purpose of removal for those who breach the rules of entry into and exit from the State party; have false or fabricated

documents; or have not left the State party by the expiry date of the period granted to them to leave, without an acceptable excuse;

(c) Children and families with children not always being separated from adults in detention facilities, as family rooms are, as yet, often not available;

(d) Unaccompanied children in detention often reportedly not receiving treatment appropriate to their age and legal status and having no access to child protection services;

(e) The current and planned increase in the number of detention centres and the lack of information about the use in practice of alternatives to administrative detention, as provided for in article 68 (3) of the Act on Foreigners and International Protection.

48. **The Committee recommends that the State party:**

(a) **Ensure that administrative detention is used as a measure of last resort only and that non-custodial alternatives are promoted, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families;**

(b) **Expeditiously and completely cease the detention of children on the basis of their or their parents' immigration status, and adopt alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved, consistent with their best interests, and with children's rights to liberty and family life;**

(c) **Ensure that a humanitarian as opposed to a security approach to migration continues to guide all the State party's policies and practices, including by prioritizing alternatives to, rather than increase in, detention.**

49. The Committee is concerned about:

(a) Reports of migrants being held in incommunicado detention, having their mobile telephones confiscated and lawyers' and family members' visits forbidden, in violation of article 68 (8) of the Act on Foreigners and International Protection, being subjected to humiliation, violence, torture and solitary confinement in detention and not being informed about the reasons for their detention, the duration of their stay and their rights;

(b) Migrants being detained in facilities that are not recognized as detention centres;

(c) The lack of access to outdoor areas, including for children, inadequate food, insufficient access to medical care, overcrowding, understaffing and unclean conditions in some removal centres;

(d) The insufficient training and awareness of staff in the removal centres on international human rights standards and principles regarding the rights and treatment of persons deprived of liberty, with respect to detention conditions as well as safeguards.

50. **The Committee recommends that the State party:**

(a) **Investigate effectively all cases of violence and other human rights abuses of detained migrants and provide on a regular basis mandatory human rights training for all law enforcement officials, with a view to preventing such violations;**

(b) **Ensure that all migrants and members of their families who are arrested are informed about the reasons for their arrest at the time of arrest and are promptly informed about their rights and the charges against them, in a language they understand;**

(c) **Ensure that migrants are detained only in facilities officially designated for that purpose;**

(d) **Ensure that all detention facilities provide adequate basic services, including food, health care, hygienic conditions and access to outdoor areas.**

51. The Committee notes that the State party's legislation, including article 57 (7) of the Act on Foreigners and International Protection, provides for free legal aid and the right to appeal detention orders before a court of law. The Committee is, however, concerned about the lack of information regarding the implementation of those provisions in practice and about specific measures to ensure that in criminal and administrative proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party and that they have access to information in a language they understand.

52. **The Committee recommends that the State party:**

(a) **Take the steps necessary to ensure that in administrative and judicial proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party before the courts and tribunals;**

(b) **Include in its follow-up and second periodic reports detailed disaggregated information on the number of migrant workers detained for immigration offences and the place, average duration and conditions of their detention, as well as information on the implementation of the rights of migrant workers in respect of due process and equality before the courts;**

(c) **Ensure that the minimum guarantees enshrined in the Convention are assured with regard to administrative and judicial procedures against migrant workers and members of their families.**

Expulsion

53. The Committee is concerned that:

(a) Since mid-January 2016, the State party's authorities have reportedly expelled several thousand Syrian nationals, most of whom are undocumented, including families and unaccompanied children;

(b) Afghan and Iraqi undocumented migrants have reportedly also been deported;

(c) Varying degrees of coercion may have been used by the State party's authorities to pressure undocumented migrants, including children, into a "voluntary" return;

(d) There is a lack of information and data on expulsions from the State party;

(e) Collective expulsions might increase as a result of the agreement between the European Union and the State party signed on 18 March 2016, which started to be implemented on 4 April 2016.

54. **The Committee recommends that the State party:**

(a) **Investigate the alleged cases of collective expulsion of Syrian, Afghan and Iraqi migrants, prosecute those responsible and take effective measures to provide redress to the victims and to avoid such expulsions in the future;**

(b) **Take the steps necessary to ensure that administrative and judicial proceedings for deportation and/or expulsion are fully regulated by law and are in accordance with the Convention;**

(c) **Ensure that migrant workers who are subject to an administrative deportation or expulsion order are aware of and exercise their right to appeal against the order;**

(d) **Develop mechanisms to prevent the expulsion of migrants in transit until the assessment of each individual situation has been completed in order to, inter alia, uphold the principles of non-refoulement and the prohibition of collective expulsion;**

(e) **Provide in its follow-up and second periodic report information, including disaggregated statistics, on the numbers of expulsions, the grounds for the expulsions and the procedures used;**

(f) **Ensure that all necessary procedural safeguards are strictly followed in all individual expulsion proceedings in order to prevent arbitrary expulsion, including in the context of the agreement between the European Union and the State party that was signed on 18 March 2016.**

Consular assistance

55. The Committee welcomes the State party's information that most of the general consulates operating in areas with a large population of Turkish migrant workers provide direct legal aid to them, including during detention or expulsion procedures. The Committee is, however, concerned at the lack of statistics on and examples of legal assistance provided.

56. **The Committee recommends that the State party:**

(a) **Ensure that all migrant workers and members of their families have recourse to consular support for the protection of the rights set out in the Convention;**

(b) **Ensure that the personnel in its embassies and consulates abroad have appropriate knowledge about the laws and procedures of the countries of employment of Turkish migrant workers;**

(c) **Provide in its second periodic report statistics on and examples of legal assistance provided to Turkish migrant workers abroad and members of their families.**

Remuneration, conditions of work and freedom of movement

57. While welcoming the recent regulation enabling Syrians under temporary protection to join the labour market, the Committee is concerned that the restrictions the Act on Foreigners and International Protection imposes on migrant workers and members of their families with regard to residence in specific provinces significantly and unduly limit not only the freedom of movement of migrant workers but also their employment opportunities. The Committee is also concerned about workplace exploitation of migrant workers, namely that:

(a) The wages received by migrant workers in an irregular situation are low, vary widely, depend largely on the perceived hierarchy among different nationalities of migrant workers, and are paid irregularly or not at all;

(b) Undocumented migrant workers are expected to work longer hours than other workers or longer than the legal limit, and are subject to arbitrary dismissal;

(c) Migrant workers are frequently employed by agricultural establishments, 98 per cent of which fall outside the scope of the labour inspections and sanctions provisions of the Labour Code (Act No. 4857);

(d) The majority of undocumented migrant workers in the agricultural sector receive less than the minimum wage, do not get overtime pay and receive their wages through middlemen who arbitrarily deduct charges.

58. **The Committee recommends that the State party:**

(a) **Guarantee in law and in practice the right of all migrant workers and members of their families to liberty of movement in the territory of the State party and freedom to choose their place of residence;**

(b) **Guarantee in law and in practice the labour rights of all migrant workers within its territory, including through regular and unannounced labour inspections in sectors in which migrant workers are concentrated, particularly the agricultural production, construction and textile industries, the domestic sector, street vending, and in sex work, with no exceptions, in line with target 8.8 of the Sustainable Development Goals;**

(c) **Ensure that labour inspections focus on the conditions of work of migrant workers, and that migrant workers themselves are consulted during such inspections, in a confidential manner;**

(d) **Guarantee that labour inspectorates work independently from other departments, in particular immigration authorities, so as to encourage migrant workers to report cases of abuse and exploitation to the labour authorities without fear of the immigration authorities becoming involved;**

(e) **Provide specific information in its second periodic report on the labour exploitation of migrant workers, including those in an irregular situation, particularly those in the agricultural production, construction and textile industries, the domestic sector, street vending, and in sex work.**

59. The Committee is concerned that migrant domestic workers in the State party are subject to abuse and exploitation, ranging from overtime work without proper compensation, confiscation of their passports by their employers and threats of deportation to verbal and sexual abuse, including rape.

60. **In the light of its general comment No. 1 (2011) on migrant domestic workers, the Committee recommends that the State party:**

(a) **Ensure that domestic work is regulated by national legislation and that migrant domestic workers enjoy the same level of protection as national workers with respect to minimum wage, hours of work, days of rest, freedom of association and other conditions of work;**

(b) **Protect the rights of migrant domestic workers to freedom of movement, residence and to retain possession of their travel and identity documents;**

(c) **Ensure that migrant domestic workers have explicit, written terms of employment, in a language that they understand, outlining their specific duties, hours, remuneration, days of rest and other conditions of work in contracts that are free, fair and to which they fully consent;**

(d) **Ensure access to justice to migrant domestic workers and strengthen labour inspection services to monitor conditions of domestic work effectively and to receive, investigate and address complaints of alleged violations in that regard.**

Trade unions

61. The Committee is concerned at the information provided by the State party stating that undocumented migrant workers do not have the right to join trade unions.

62. **The Committee recommends that the State party take all measures necessary, including legislative amendments, to guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to join freely trade unions, in accordance with article 26 of the Convention.**

Medical care

63. The Committee welcomes the information in the State party's report that undocumented migrants have the right to access medical care in case of emergencies free of charge if they do not have sufficient financial resources. The Committee is, however, concerned that:

(a) In practice, undocumented migrant workers have faced challenges in accessing emergency medical care;

(b) Health-care providers delivering services to undocumented migrant workers may be liable to legal sanctions;

(c) Most health-care professionals in the State party speak Turkish only and there is a lack of interpreters at State and private health facilities.

64. **The Committee recommends that the State party ensure in law and in practice that all migrant workers have access to medical care, including by removing sanctions for health-care providers who deliver services to undocumented migrant workers and by ensuring that interpretation services are available in case of need.**

Birth registration and nationality

65. While welcoming the State party's information that statelessness is not an issue in the State party and that it is committed to universal birth registration, the Committee is nonetheless concerned that there is no comprehensive strategic approach or planning to register the births of migrant children in the State party and no specific measures have been taken to ensure the rights of migrant children to nationality and citizenship.

66. **The Committee recommends that the State party ensure that all children of migrant workers are registered at birth and issued with personal identity documents, in line with target 16.9 of the Sustainable Development Goals, and that it raise awareness on the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation. The Committee encourages the State party to accede to the 1961 Convention on the Reduction of Statelessness and the 1997 European Convention on Nationality.**

Education

67. The Committee notes that under article 89 of the Act on Foreigners and International Protection, international protection applicants and their family members have access to elementary and secondary education services in the State party. The Committee welcomes the fact that Syrian children who are accommodated in the government-run camps have full access to basic education in Arabic, following the Syrian curriculum, and that Turkish language classes are provided for foreigners in three provinces. The Committee is, however, concerned that:

(a) The State party's Constitution provides that primary education is compulsory for Turkish citizens only;

(b) Children of undocumented migrant workers are prevented from enrolling in school owing to their lack of foreigner identification numbers;

(c) The enrolment rates among Syrian children in the State party drop sharply after the age of 8;

(d) There is a lack of information among migrant workers about the fact that their children have the right to attend local public schools;

(e) There is no formalized or systematic support for non-Turkish speakers in the State party's public school system;

(f) Some migrant workers report not being able to register their children in school despite fulfilling all the prerequisites;

(g) Children of migrant workers encounter difficulties in accessing the State party's education system as they face barriers in accessing general support that exists for disadvantaged or minority students;

(h) The State party has not made sufficient efforts to implement intercultural education in schools.

68. **The Committee recommends that, in accordance with article 30 of the Convention, the State party adopt concrete and effective measures to ensure access to education for children of migrant workers, irrespective of the migration status of their parents, including by making the education of all children in the State party's territory compulsory, creating awareness of that obligation and right among the parents, addressing linguistic barriers, reducing the drop-out rate and promoting intercultural education.**

Right to be informed and dissemination of information

69. The Committee notes the State party's information that brochures and booklets have been published in order to provide information to migrants, the Act on Foreigners and International Protection has been translated into ten languages and information on the website of the Directorate-General for Migration Management is available in four languages and translations into further languages are being piloted. The Committee is, however, concerned about the lack of measures taken by the State party to actively disseminate information to both outgoing Turkish migrant workers and migrant workers taking up employment in the State party about conditions of admission and employment of migrant workers and their rights and obligations.

70. **The Committee recommends that the State party:**

(a) **Take measures to actively disseminate information to both outgoing Turkish migrant workers and migrant workers taking up employment in the State party about conditions of admission and employment of migrant workers and their rights and obligations;**

(b) **Develop targeted pre-departure and awareness-raising programmes, including in consultation with relevant non-governmental organizations, migrant workers and their families, and recognized and reliable recruitment agencies.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36-56)

Right to form trade unions

71. The Committee welcomes the fact that the 2012 Trade Unions and Collective Labour Agreements Act provides that foreign migrant workers may form associations and trade unions. The Committee is, however, concerned that the State party maintains a reservation to article 40 of the Convention.

72. **The Committee recommends that the State party:**

(a) **Withdraw its reservation to article 40 of the Convention, as the delegation indicated it would during the dialogue with the Committee, given that the Trade Unions Act, which restricted the right to form trade unions in the State party to citizens only, has been repealed;**

(b) **Take the measures necessary to guarantee that migrant workers and members of their families enjoy in practice the right to form and be a member of the executive bodies of associations and unions for the promotion and protection of their economic, social, cultural and other interests, in accordance with article 40 of the Convention and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organization.**

Right to transfer earnings and savings

73. The Committee regrets that the practice at the Central Bank of the State party of paying a higher interest rate to Turkish migrant workers was abandoned in 2014 and that investment partnerships of Turkish migrant workers have not been supported since the end of the 1970s.

74. **The Committee recommends that the State party take measures to reduce the cost of sending and receiving funds in line with target 10.c of the Sustainable Development Goals and to facilitate the productive use of remittances.**

Work permits

75. The Committee is concerned at reports that migrant workers who hold fixed-term work permits for specific professions and employers under article 5 of Act No. 4817 are reluctant to report abuse and unlawful workplace conditions for fear of losing their jobs since their immigration status is tied to their employer.

76. **The Committee recommends that the State party review the fixed-term work permit system in order to prevent abusive working conditions and exploitation.**

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57-63)

Seasonal workers

77. The Committee is concerned that undocumented seasonal agricultural workers from countries such as the Syrian Arab Republic, Georgia and Azerbaijan have difficulties accessing health services owing to their irregular status.

78. **The Committee invites the State party to provide information in its second periodic report on the measures taken to ensure that seasonal workers enjoy the rights to which they are entitled as a result of their presence and work in the territory of the State party, in accordance with article 57 of the Convention.**

6. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64-71)

Recruitment agencies

79. While welcoming the adoption of the 2013 Private Employment Agency Regulations, the Committee is concerned about the lack of information about sanctions imposed on private employment agencies that hire migrant workers without a work permit in order to avoid paying social security contributions.

80. **The Committee recommends that the State party:**

(a) **Strengthen its regulatory regime for private recruitment agencies, including a licensing system, recruitment monitoring, inspections and sanctions to prevent private recruitment agencies from hiring migrant workers without a work permit, avoiding payment of social security contributions and other unethical practices;**

(b) **Ensure that private recruitment agencies provide comprehensive information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries;**

(c) **Consider adopting a "no placement fee" policy for persons intending to work abroad.**

Return and reintegration

81. The Committee welcomes the various measures the State party has adopted to facilitate the orderly return of Turkish migrant workers and members of their families and their reintegration in the economic and social life of the country. The Committee notes that the State party has concluded readmission agreements with the European Union as well as 12 countries. It is concerned, however, about the lack of information on whether these agreements include procedural guarantees for the migrants they cover.

82. **The Committee recommends that the State party:**

(a) **Ensure that current and future readmission agreements between the State party and host countries guarantee the durable economic, social and cultural reintegration of migrants who return to the State party, contain procedural guarantees for them and protect them from ill-treatment if they are expelled;**

(b) **Gather disaggregated statistical data on migrants readmitted under readmission agreements, including their nationality.**

Illegal or clandestine movements and employment of migrant workers in an irregular situation

83. The Committee welcomes the recent regulations adopted by the State party to combat human trafficking and the establishment of a department for the protection of victims of human trafficking under the Directorate-General for Migration Management. The Committee also welcomes the fact that the Act on Foreigners and International Protection provides for the establishment of centres and shelters for victims of human trafficking and guarantees that they cannot be subject to expulsion. The Committee is, however, concerned that:

(a) The State party has not yet adopted a comprehensive anti-trafficking law;

(b) There is limited capacity and inter-institutional coordination of anti-trafficking efforts, particularly in the field;

(c) The efforts to identify and protect victims of trafficking are insufficient;

(d) The only shelters for victims of trafficking in the State party are run by non-governmental organizations and currently depend on funding from international organizations;

(e) Victims of trafficking may not be protected from being prosecuted, detained or punished for illegally entering or residing in the State party, or for the activities in which they are involved as a direct consequence of their situation as trafficked persons;

(f) There is a lack of data on the scale of trafficking in the State party, in particular on the number of cases involving women and children.

84. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive anti-trafficking law;**

(b) **Continue its efforts to prevent, suppress and punish trafficking in persons, including at the regional level and in cooperation with neighbouring countries, and through enhanced inter-agency cooperation on human trafficking, in line with target 5.2 of the Sustainable Development Goals;**

(c) **Increase its efforts to identify and provide protection and assistance to all victims of human trafficking, in particular by providing shelters, medical care and psychosocial and other support to assist in their reintegration into society;**

(d) **Take measures to protect victims of trafficking from prosecution, detention or punishment for activities in which they were involved as a direct consequence of their situation as trafficked persons;**

(e) **Evaluate the scale of trafficking in persons and compile systematic disaggregated data to better combat trafficking in persons, especially women and children, and bring perpetrators to justice;**

(f) **Strengthen training for law enforcement officials, judges, prosecutors, labour inspectors, teachers, health-care workers and the staff of its embassies and consulates and disseminate more widely information on trafficking in persons and on assistance to victims.**

Measures to address migrant workers in an irregular situation

85. The Committee is concerned that the prevalence in the State party of a large informal sector, mostly in low-productivity firms, is favourable to the unregistered employment of migrant workers at several levels and that there is a lack of regularization opportunities for migrant workers in an irregular situation in the State party.

86. **The Committee recommends that the State party take appropriate measures to consider the establishment of procedures for regularizing the situation of migrant workers in an irregular situation, applying the principle of non-discrimination, so as to ensure that such a situation does not persist; and ensure that migrant workers in an irregular situation are informed about such procedures.**

7. Follow-up and dissemination

Follow-up

87. **The Committee requests the State party to include in its next periodic report detailed information on measures taken to follow up on the recommendations contained in the present concluding observations. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations are**

implemented, including by transmitting them for consideration and action to members of the Government, the legislature and the judiciary, as well as to local authorities.

88. The Committee requests the State party to involve civil society organizations in the implementation of the recommendations contained in the present concluding observations.

Follow-up report

89. The Committee requests that the State party provide, within two years, that is, by 1 May 2018, written information on the implementation of the recommendations contained in paragraphs 18, 48, 52 and 54 above.

Dissemination

90. The Committee also requests the State party to disseminate widely the present concluding observations, including to government agencies, the legislature, the judiciary, relevant local authorities, non-governmental organizations, other members of civil society and the general public, so as to increase awareness of them.

8. Technical assistance

91. The Committee recommends that the State party further avail itself of international assistance, including technical assistance, to develop a comprehensive programme aimed at implementing all the recommendations above and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system, including with OHCHR on technical assistance and capacity-building with respect to reporting.

9. Next periodic report

92. The Committee requests the State party to submit its second periodic report by 1 May 2021 and to include in it information on the implementation of the present concluding observations. Alternatively, the State party may follow the simplified reporting procedure, whereby the Committee draws up and adopts a list of issues that is transmitted to the State party prior to the submission of its next report. The replies of the State party to that list of issues will constitute its report under article 73 of the Convention.

93. The Committee draws the State party's attention to its guidelines for the preparation of periodic reports (CMW/C/2008/1) and reminds it that such reports should be in compliance with the guidelines and not exceed 21,200 words (General Assembly resolution 68/268). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned guidelines. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

94. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next periodic report (or replies to the list of issues, in the case of the simplified reporting procedure) and, at the same time, to consult broadly with all stakeholders, including civil society, migrant workers and human rights organizations.

95. **The Committee also invites the State party to submit a common core document, not exceeding 42,400 words, prepared in accordance with the requirements in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3 and Corr.1).**